

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee February 26, 2025

**SANDERS:** Welcome to the Government, Military and Veterans Affairs Committee. I am Senator Rita Sanders from Bellevue, representing the 45th Legislative District, and I serve as the chair of this committee. The committee will take up bills in order posted. The public hearing is your opportunity to be part of the legislative process and to express your position on the proposed legislation before us. If you are planning to testify today, please fill out one of the green testifier sheets that are on the table at the back of the room. Be sure you print clearly and fill it out clearly. When it is your turn to come forward to testify, give the testifier sheet to the page or the committee clerk. If you do not wish to test-- testify but would like to indicate your position on a bill, there are yellow sign-in sheets in the back of the room on the table. These sheets will be included as an exhibit in the official hearing record. When you come up to testify, please speak clearly into the microphone. Tell us your name and spell your first and last name to ensure we have an accurate record. We will begin each hearing today with the introducer's opening statement, followed by proponents of the bill, then opponents, and finally, anyone speaking in the neutral capacity. We will finish with a closing statement by the introducer if they wish to give one. We will be using a 3-minute light system for all testifiers. When you begin your testimony, the light on the table will be green. When the light turns on, you have 1 minute remaining, and the red light indicates that your time has ended. Questions from the committee may follow. Also, committee members may come and go during the hearing. This has nothing to do with the importance of your bills that will be heard. It's just part of the process. Senators have bills to introduce in other committees. A few final items to facilitate today's hearing. If you have any handouts or copies of your testimony, please bring up at least 12 copies and get them to the page. If you do not have enough copies, the page will make sufficient copies for you. Please silence or turn off your cell phone. You may see committee members using their electronic devices to access more information. Verbal outbursts or applause are not permitted in the hearing room. Such behavior may cause-- may be cause for you to be asked to leave. Finally, committee procedures for all committees state, state that written position comments on a bill be included in the record must be submitted by 8 a.m. the day of the hearing. The only acceptable method of submission is via the legislative website, [nebraskalegislature.gov](http://nebraskalegislature.gov). Written position letters will be included in the official hearing record, but only those testifying in person before the committee will be included on the committee statement. I will now have the committee members with us today introduce themselves, starting on my far right.



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**GUERECA:** Good afternoon. Dunixi Guereca, I represent downtown and south Omaha.

**J. CAVANAUGH:** Good afternoon, John Cavanaugh, District 9, midtown Omaha.

**LONOWSKI:** Hello. I'm Dan Lonowski, District 33, which is Adams County, Kearney County, and rural Phelps County.

**WORDEKEMPER:** Welcome. Senator Dave Wordekemper, District 15, Dodge County, western Douglas County.

**SANDERS:** Thank you. Senator Bob Andersen is the vice chair of the committee, and he'll introduce himself shortly. Also assisting the committee today to my right is our legal counsel, Dick Clark, and to my far left is committee clerk, Julie Condon. We have 2 pages in our committee today, and I'll ask them to please stand and introduce themselves.

**LOGAN WALSH:** Logan Walsh. I'm a junior econ major at University.

**EMMA JONES:** Hi. I'm Emma Jones, and I am a junior at University of Nebraska-Lincoln as a poli-sci major.

**SANDERS:** Thank you. With that, we will begin our hearing for today on LB662. Senator Andersen, the floor is yours.

**ANDERSEN:** Thank you, Chairwoman Sanders. And good afternoon to my fellow members of the Government, Military and Veteran Affairs Committee. For the record, my name is Senator Bob Andersen, B-o-b A-n-d-e-r-s-e-n, and I represent District 49, which is the best district in northwest Sarpy County and part of Omaha. Today, I am introducing LB662. This legislation requires annual reporting of Department of Administration Services [SIC] of federal funds received by state agencies by September 15 in the even-numbered years. LB662 is an effort to increase transparency and awareness of funds provided by the federal government to Nebraska's state agencies. This transparency will assist in oversight by providing a clear, comprehensive picture of these resources and a require-- the requisite obligations of the state. It will ensure the Legislature is informed of any allegations resulting from decline or termination of federal fundings. Under LB662, each agency would be-- would report: the percentage of agency budget that's funded by the federal resource; the aggregate value of the federal receipts for the preceding fis-- fiscal year, a copy of any agreement, memorandum of understanding, maintenance-of-effort agreement, or a contract entered, entered into with the federal entity



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to receive federal funds; a list of obligations agreed to by the state agencies, including any state funds matching requirements, the number of FTE, full-time equivalent obligated to this agreement, and a description of any other obligations agreed to by the state agency as a prerequisite to receive the funding.; a contingency operating plan should federal funding be reduced by 10% or more; and lastly, a list of federal receipts that have a foreseeable or potential end date, the end date, and a schedule of federal receipts expected to end upon that date. Currently, federal grant applications are initiated-- managed privately, privately by the agencies. Moving forward, LB662 would require legislative approval for any new federal funds that impose maintenance-of-effort requirements on the state. As a small business owner, I understand the need to have a complete and comprehensive picture of any contractual obligations that I am subject to, any debts I have incurred, and incoming revenue streams. These all affect my ability to successfully operate my company. This is no different than the needs of the state of Nebraska to operate. LB662 aligns Nebraska state agencies with the principles of open, transparent, and accountable government. As legislators, we must have the access to comprehensive information to guide our decision-making and prioritization of state programs. Nebraska deserves to see this information, as well. Furthermore, LB662 will help state agencies better prepare for any disruption in federal funding, especially as we face budget shortfalls and potential significant cuts from Washington, D.C. LB662 requires all state agencies for which the Legislature appropriates funds to compile, submit a federal funding inventory to the Director of Administrative Services, DAS, on or before September 15 of every even-numbered year. This inventory will detail the aggregate value of the federal receipts, the federal funds appropriated by the Legislature, the percentage of each agency's total budget derived from federal funds, and any obligation that's tied to the federal funding agreements, including copies of those agreements and operating plan for addressing funding reductions. Regarding the fiscal note, the total is over \$1 million. I have asked for clarification from the University of Nebraska System and the Department of Health and Human Services. We are currently engaged in ongoing dialogue with both to fully understand the full impact of this bill on these 2 agencies. LB662 is essential for establishing transparency and accountability of federal funds requested and received by Ne-- Nebraska state agencies. By instituting a standardized funding-- federal funding inventory, we are taking a proactive approach to safeguard our state's fiscal integrity and ensure we know where every federal dollar is coming into Nebraska is-- where it's going, why it was requested, and what strings were attached



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to those funds. I urge the committee to support LB662 by passing it out of, out of committee for the rest of the body to discuss. Thank you for your time and consideration, and I welcome any, any questions at this time.

**SANDERS:** Thank you, Senator Andersen. We'll see if there are any questions from the committee. I see none. You're-- will you be staying for closing?

**ANDERSEN:** Yes, ma'am.

**SANDERS:** Thank you very much.

**ANDERSEN:** Thank you.

**SANDERS:** Are there any proponents on LB662? Good afternoon. Welcome.

**NICOLE FOX:** Thank you, Chairwoman Sanders, members of the Government, Military and Veterans Affairs Committee. I'm Nicole Fox, N-i-c-o-l-e F-o-x. I'm representing the Platte Institute. We strongly support LB662 and thank Senator Andersen for introducing it, too, in support of our efforts to improve government oversight, accountability, and transparency. Two weeks ago, I testified before this committee to discuss the Platte Institute's concerns about the state's heavy reliance on federal funds. Federal dollars are not free. They come with maintenance-of-efforts requirements, usually in the form of dollar matching or mandates, which can incur costs. In fiscal year '24, the feds spent \$10 trillion and \$3 trillion of that went to the states. Nebraska is facing a budget shortfall. Just over a third of its budget comes from the federal government. And we feel like-- that-- before any new federal dollars are brought into the state, an inventory like LB662 proposes is needed so that the state can get a transparent picture of its financial obligations and identify ways the state may be vulnerable should federal funding be reduced. Like many other states, Nebraska has become increasingly dependent on federal funds over the years. Increased federal funding dependence means greater liability on behalf of the state. Should the funds be drastically reduced or cut altogether, under LB662, the state would be better prepared to meet the needs of its citizens through contingency planning. While federal funds are identified in budget bills, they are typically shown as estimates and the commitments incurred and the other strings attached are typically only known to the agencies dealing directly with the funds. LB662 would provide greater accountability and transparency. We not only like the inventory that LB662 would require, but we also like the legislative oversight



component proposed for the acceptance of future federal funds. This, too, provides for accountability and transparency, so that the Legislature can make well-informed financial decisions going forward. In my testimony for LB403 a couple weeks ago, I mentioned the current, current presidential administration's rescinded proposal for a temporary freeze of federal grant dollars. I want to remind this committee once again that this action should signal caution. And I think there's also an example from earlier this week, where the University of Nebraska experienced some cuts to grant funding, just-- I think it was on Monday. Other states have implemented a proposal like LB662. State agencies in Idaho, Indiana, and, and Utah inventory their federal funding and they also do contingency planning. They implemented these policies without any fiscal impact. While Oregon does not have an inventory or do contingency planning, they do have legislative oversight of funds that are coming into the state. So I want to just reiterate we strongly support this bill, but I do ask that a couple of considerations be considered. And first, we-- we're OK with the potential of excluding the University System. Obviously, that addresses a large portion of the fiscal note. And we also just feel that it's appropriate, just given the nature of the institution. They're very much research-based, and they get hundreds, if not thousands of, of grants every year. And then, we also recommend that the contingency planning threshold be increased. The bill currently states 10%, but we think a higher threshold would be better because it would make, it would make sure we were more-- better prepared. So like right now, it's only 10%. We recommend at least 25%, because large cuts could be real. And I know that somebody, William Glass, with the Millennial Debt Foundation could not be here today. He was supposed to be, so he did submit some comments. I know he recommended a 50% contingency plan threshold. Generally, the higher the better. So with that, I conclude my testimony. Thanks for letting me go over a little bit, and I'm happy to take any questions.

**SANDERS:** Thank you, Nicole Fox. Let me check from the committee to see if there are any questions. Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. Thanks for being here, Ms. Fox. Sorry. I came out and you had already left this morning.

**NICOLE FOX:** That's OK.

**J. CAVANAUGH:** I tried to talk to you. But-- so, yeah. I had wanted to talk about the contingency planning. Can you just explain that to me a little bit? So the bill sets it at 10%. Would that be that we have to plan for a loss of 10%?



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**NICOLE FOX:** Yeah.

**J. CAVANAUGH:** And could that take any form of cutting the services or backfilling money, like what-- is there a--

**NICOLE FOX:** Yep.

**J. CAVANAUGH:** --requirement of what that would be?

**NICOLE FOX:** At this point, I mean, we don't have requirements laid out, but that's where-- I mean, that would be the thought process, is what would you do? What would you do if the, if the feds cut your funding by 10%? And that kind of goes back to why we would actually recommend a greater threshold, just to be better prepared. And, and an example I would give is just, you know, in fiscal year ending in '24, I want to say it was about \$5.7 billion worth of federal funds that the state received. And so if you think, well, you know, let's pretend they think, well, maybe we can just backfill a little bit out of the cash reserve. Well, our cash reserve is \$877 million. So if there's a 25% reduction in funding, cash reserves is, you know, not an option. Because the other thing is, what if we have, say, a flood, like we did in 2019, or, you know, the real threats, when it comes to things like Medicaid? Our FMAP was already decreased some. And then, you know, what if, say, they want to take that expanded Medicaid population from reimbursing states at 90% down to the FMAP at 55, I believe it was. So, yeah. So it might be, you know, how are we-- yeah. How are we going to do this? Are we going to reduce FTEs-- and it just really makes them think ahead. Because again, some of the federal dollars might-- some of the strings attached could be staffing ratios. And so yeah, make them think about what would you do? What would you do?

**J. CAVANAUGH:** Well, it's interesting and certainly timely, like you said. I think it was in the news yesterday that the House, at least, passed a, a bill that would cut Medicaid by 10% a year over the next decade, which is [INAUDIBLE], and that would be catastrophic, honestly.

**NICOLE FOX:** Yeah.

**J. CAVANAUGH:** And so, I don't know

**NICOLE FOX:** And that's just one program, so.

**J. CAVANAUGH:** I, I'm just trying to wrap my head around like, how do you write-- effectively write a plan to deal with a 50% reduction? I guess it would be-- it's 1/3 of our budget you say is federal, so it



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would be a 15% reduction in the overall budget. Is that-- 50% of 1/3 would be 16.5% I guess.

**NICOLE FOX:** Yeah. So.

**J. CAVANAUGH:** I mean, am I--

**NICOLE FOX:** Yeah.

**J. CAVANAUGH:** --thinking that in the right way, if you reduced our entire federal, it would be-- just be a reduction of that?

**NICOLE FOX:** Mm-hmm. Yeah.

**J. CAVANAUGH:** And I just--

**NICOLE FOX:** So I mean-- and I, I just brought up William's letter just so that you're aware of it, and know that he was supposed to be here today. Again, we are--

**J. CAVANAUGH:** Well, did we get that in your packet?

**NICOLE FOX:** Our original intent-- what?

**J. CAVANAUGH:** Did that come in your packet?

**NICOLE FOX:** Not in my packet--

**J. CAVANAUGH:** Oh.

**NICOLE FOX:** But he should have-- he submitted it online yesterday--

**J. CAVANAUGH:** Oh.

**NICOLE FOX:** --I believe it was. I mean, we recommend 25%. I'll-- you know, I'll leave it up to the committee to decide. But I, I do think, just given the reality and the fact that we're already seeing cuts occurring and being proposed, I, I would recommend a higher number. Because the Girl Scout in me says, be prepared and that-- I think that's what this is about, is just making sure that we're prepared moving forward.

**J. CAVANAUGH:** Thank you.

**SANDERS:** Senator Guereca.



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**GUERECA:** Thank you for being here, Ms. Fox, and for your testimony today. Do you know, does this tie the agencies to that contingency plan should that reduction happen? Like, if they say we're going to do this, this, and this, right? And then, 2 years, a year, we do see that reduction, does that plan tie the agency to that plan?

**NICOLE FOX:** I, I, I mean, in the bill, as far as I'm aware, it doesn't specifically tie them. I think we just want it done. And then my hope would be that as time passes and just, you know, the landscape in general, whether it's this, you know, the state's fiscal picture or other things happening in our state that they would adjust that plan accordingly. And, you know, if that's language that needs to be tightened up, completely open to working with you guys on that.

**GUERECA:** Thank you.

**NICOLE FOX:** Mm-hmm.

**SANDERS:** Let's just see if there are any other question-- we do. Senator Lonowski.

**LONOWSKI:** Thank you, Chairwoman Sanders. Thank you for being here, Ms. Fox. So when I, I look at the fiscal note and I try to figure out that we're in 2025 and everybody's on computers, shouldn't they already have some sort of accountability system that we can go to, or do we need something even more transparent or more complete?

**NICOLE FOX:** I mean, I would, I would think that some of this, yeah, could be done without such heavy reliance on adding FTEs. I mean, I know getting rid of the university part is practic-- you know, just about half of it. And like I said, other states have implemented this without any fiscal impact.

**LONOWSKI:** Yeah.

**NICOLE FOX:** So yeah. I mean, I would think that there would be some ways to--

**LONOWSKI:** I'm just-- and I openly wonder--

**NICOLE FOX:** Yeah.

**LONOWSKI:** --if that's just a scare tactic for the Appropriations Committee.

**NICOLE FOX:** I-- yeah. I don't know.



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**LONOWSKI:** All right. Thank you very much.

**NICOLE FOX:** Yeah. Thank you.

**SANDERS:** Thank you. Senator Wordekemper.

**WORDEKEMPER:** Thank you, Chair Sanders. On your page 3, you have a graph of-- talks about the funding percentage for Nebraska federal funds, what we, what we get. Do you know about where we rank amongst the other 50 states? Are we in the middle? Are we getting more federal funds than other states?

**NICOLE FOX:** Good-- that's a good question. And may-- I, I, I mean, I know, you know, for example, Governor Pillen says we don't bring in near as much federal money as other states. But I think the fact that, you know, just proportionately at a little over a third, we're probably in line with a lot of states. So even though the dollar amounts may not be the same, I think proportionately, we're aligned. And what I was trying to illustrate a little bit with that, that graphic is basically, the, you know, the crowding out is what I'm going to call it, when it comes to our budget. So over the years, you know, the proportion of our budget that has been, you know, General Fund revenues has, has, you know, gone down and then-- or you know, General Fund dollars. And then, the amount that's being brought in, you know, it's, it's showing our heavier reliance. It's-- there's that creep of, you know, more and more of our budget is composed of federal dollars, say than-- yeah, that-- what's coming in through our General Fund. And you know, again, then you add on top of that the maintenance of effort, the strings attached, that makes it, you know, as the federal dollars creep up, it just-- it makes it harder to meet other obligations. So.

**WORDEKEMPER:** Thank you.

**NICOLE FOX:** Thank you.

**SANDERS:** Any other questions? Senator Guereca.

**GUERECA:** You might not know the answer, but do you know why there was that massive drop in 2019, the percentage of federal funds over total budget?

**NICOLE FOX:** I don't know for sure, but I, I'm going to just guess. And I, I do need to kind of do a little more digging. I, I mean, in 2019, I know we did get quite a bit of federal money in because of all of



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the flooding and everything. So I think-- I, I can't say that that accounts for all of it, but I think that that could be a portion--

**GUERECA:** Yeah.

**NICOLE FOX:** --of it.

**GUERECA:** I was wondering because it's just kind of a--

**NICOLE FOX:** Yeah. Yeah. And, and you know, and then there's also I mean, you know, 2020 is also quite high--

**GUERECA:** Sure.

**NICOLE FOX:** And likely that's, you know, a lot of the COVID--

**GUERECA:** Right.

**NICOLE FOX:** --dollars too.

**GUERECA:** Thank you.

**NICOLE FOX:** Mm-hmm.

**SANDERS:** All right. Thank you very much for your testimony.

**NICOLE FOX:** All right. Thank you.

**SANDERS:** Are there any other proponents? Welcome.

**STEVE JOHNSON:** Hi. My name is Steve Johnson, S-t-e-v-e J-o-h-n-s-o-n. I'm with the Center for Practical Federalism. We advocate for federalism, the constitutional framework that some power is with the federal government, but far more with states, communities, and the people. And one of the things that we work on is how can state lawmakers protect yourself against federal overreach? And there's actually a scorecard that we put together-- I've shared with you-- where we try to rank states on certain practices and policies that you have and how well you're protected. It's on page 10. You'll see Nebraska actually comes in 35th place out of 50th, so not last place, but a lot of room for improvement. and if you just flip back to page 9, you'll see there's a number of categories there that we use to, to rank states on. And federal funding is without a doubt the biggest tool that the feds have to control states. I'm sure you're well aware of that, right? It's, it's the biggest thing. You're worried about losing that money, and so they have a lot of leverage there. And it'd be easy for me to come up here and say, just don't take federal



dollars. But I know that's not practical. And so we said, what are certain mechanisms we can put into place that isn't saying no to all the federal dollars, but putting you in a position where you're able to protect your state. And this legislation does a good job of hitting a number of those. So one of the key aspects is requiring legislative approval in order to accept federal money. That requires you to adopt maintenance-of-effort. And this isn't unheard of. Actually, the state of Oregon, they go a lot further. They won't even allow their state agencies to apply for a federal grant unless they get federal approval. So they have to be involved at the front end. They're a part-time legislature. They make that work. And it's interesting. I, I don't normally give my political affiliation because federalism is bipartisan, but I'm, I'm pretty conservative. And I called the senator who chaired this committee in Oregon. She's from Portland. She's very liberal. And we talked about this, and she was shocked that other states don't do it. And it was amazing how someone on the far left, someone maybe on the right could have such agreement and said, this isn't about politics. This is about making sure that the legislative branch is involved in making sure that the people that are closely aligned to the people of their state is involved in what requirements they have to follow and what requirements the federal government is putting forth on them, and deciding whether that's something worthwhile to do or not. The other thing I want to touch on real quick, and I'm happy to answer any questions-- the, the requirement that you have a contingency plan. Obviously, in today's day and age where the federal government is talking about cutting programs, we have debt limits every other day, it feels like, where, you know, you-- there's a fear the federal government is shutting down. And just from a standpoint of we don't want the state to be in a position where if the feds say, well, you need to do this or you lose this, and then you panic and you just follow the federal government, even though that's not what's best for your state. Having that contingency plan, having a plan ahead of time to say, all right, we're ready. We know what we-- what to do if the federal money isn't there. And it's not just so easy as saying, well, we'll just cut that out. An example that was given me one time-- if I can, real quick, finish?

**SANDERS:** Yeah. Please finish your thought.

**STEVE JOHNSON:** If you had a veterans home that was 60% funded by the federal government, if that went away, you wouldn't kick out 60% of the veterans, right? You'd have a different plan there. And so you can't just have a simple well, we'll just get rid of the money. You have to have a-- another plan in there. So with that, we support the legislation. Happy to answer any questions you might have.



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**SANDERS:** Thank you, Mr. Johnson. Check with the committee to see if there are any questions. Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. Thanks for being here, Mr. Johnson. It's an interesting book and a lot of information to digest. In terms of com-- contingency plan, Senator Guereca asked a good question, which is, is it binding? Do they make a plan that's binding or what--what's, what's the, what's the most valuable way or how do you do it effectively?

**STEVE JOHNSON:** Yeah. So there's actually one page you were handed out. You'll see about a dozen states do this. They do it to different levels. Utah is probably the gold standard because they don't just say if we lose 10%, we'll cut 10%. They actually kind of-- all right. Well, where would we actually-- what would we actually do? It's not binding. And I think that's a good thing, because I don't think you want to be in a position where you have to do what's there. It's more important that you have the plan set up. So if that emergency situation comes up, where holy cow, Medicaid just got cut 10%, what are we going to do? Or the government just got shut down because Congress couldn't reach an agreement and all these programs stopped. Now what? So no, it's not binding. The way I read the legislation, there's nothing binding, but it gives you a plan. And then, it allows you to say, we really like this plan. Let's follow through with it, or you can have some tweaks on the fly. All right. We had a plan for if they cut 25%. They cut 10%, so what can we do to adjust that? So it's not binding. And I think that's a good thing that it's not binding. It still gives you flexibility while making sure you have a plan in place.

**J. CAVANAUGH:** And Utah's is the gold standard because they have that granularity of [INAUDIBLE]?

**STEVE JOHNSON:** Yeah, because they don't just-- it, it's not a very simple-- I don't want to throw other states under the bus, but some of them just have a--

**J. CAVANAUGH:** That's OK. We don't like other states.

**STEVE JOHNSON:** Right. All right. They just have like a copy/paste system, where, if they cut 5%, we'll cut 5%. They cut-- Utah actually-- they run-- I forget the word for it. But there's, there's a, a tool they'd go through to say, all right, we're not going to kick out 60% of veterans, so what are we going to do? Well, we're going to take money from the general fund to backfill it here. I mean, there's,



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there's actually a, a thought-out process and not just a simplistic, well, we'll just cut the federal funding and we'll move on like it was never there, because budgets don't work that easy.

**J. CAVANAUGH:** Yeah. Does Senator Andersen's bill-- is it closer to the Utah or closer to those other states?

**STEVE JOHNSON:** I think right now, as it's written, it's, it's pretty flexible, so it would probably give the agencies a little more latitude on what they wanted to do. Hopefully in the implementation, it would be closer to Utah and we're happy to work with, with you guys on how we could get there.

**J. CAVANAUGH:** Thanks for being here.

**STEVE JOHNSON:** Yes.

**SANDERS:** Any other questions from the committee? I see none. Thank you for your testimony.

**STEVE JOHNSON:** Thank you.

**SANDERS:** Are there any other proponents? Any-- good afternoon. Welcome, ladies.

**ALLIE BUSH:** Good afternoon. My name is Allie Bush, A-l-l-i-e B-u-s-h. This, this bill is actually really, really cool. I tell you what. Right now, when we make posts on NAGO or have communications with our members, the number one response right now, since we're not focused on property tax relief so much, is we need to look at what our government-- where it's getting its money from and where it's being spent. So any legislation we have-- people essentially want a Nebraska DOGE. And take with that what you will. But anything that we can do to comb through the financials of our state, how the money is being spent, where it's going, that'd be great. I did notice there was an astronomically high fiscal note, and I think that was based upon requesting information from DHHS and, and the other agenc-- I can't remember off the top of my head right now. And so what I wanted to point out is that's exactly why I'd like to see you guys pass this legislation. What you guys received when you asked for that information was a ridiculous number. Did you know when the public asks for information like that, they also get ridiculously high numbers? You go to request any sort of budget information or FOIA requesting and sometimes you can get \$30,000 requirements in order to receive that information that should be public information. So I think it would be great to have legislation that makes some of that information



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more publicly available. I would like to see us having that publicly displayed and, and made aware for other people. So if that mechanism isn't in this legislation, it would be great to have an easy report that the public can access.

**SANDERS:** Thank you, Allie Bush.

**ALLIE BUSH:** Absolutely.

**SANDERS:** Any questions? See none. Thank you very much.

**ALLIE BUSH:** Thank you, guys.

**SANDERS:** Any other proponents? Welcome.

**KATHY WILMOT:** Good afternoon. My name is Kathy Wilmot, K-a-t-h-y W-i-l-m-o-t, and I want to make it very clear that I'm here speaking on my own behalf today. I do encourage support of this bill. I think any of us should wonder and I think-- I hope we all want to know where our dollars go and where they're coming from. At the university, we do a lot of research, and it's a variety, variety of topics, some of which may be a little sensitive because we do a lot of work trying to help our military. However, I would encourage the senator and, and anyone that would work with us, with the university to, you know, talk about what could be done to make sure that we would protect any sensitive information. But yet, I think it's important that we look at where the dollars are coming from. And, and I know that the university does a lot of research that would not be considered sensitive or dangerous in any way. So I would just encourage that we would move forward in a, in a careful manner and help our taxpayers. That's it.

**SANDERS:** Thank you very much for your testimony. Any questions from the committee? See none.

**KATHY WILMOT:** Thank you.

**SANDERS:** That's easy. Thank you. Any other proponents on LB662? Any opponents on LB662? Welcome.

**MATT BLOMSTEDT:** Good afternoon, Senator Sanders and members of the committee. I'm Matt Blomstedt, M-a-t-t B-l-o-m-s-t-e-d-t, here to express, actually, the university's opposition officially, but I want to go into that a little bit more. First of all, not opposed to the concept of kind of having transparency around data or these particular funds, but really looking for more efficient ways that this information could actually be gathered and, and connected. I spoke



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briefly with Senator Andersen before, and I appreciate him, by the way, a lot, because he has a lot of background that's very relevant to this topic and other topics, and I appreciate that ongoing conversation. One of our challenges, and I think Senator Lonowski asked-- did I, did I get it right? Lonowski? Is that right?

**LONOWSKI:** Yeah. Thank you. Good job.

**MATT BLOMSTEDT:** I really appreciate the question. Systems are kind of set up based on what federal reporting and other things you have to do, so you kind of design systems based on requirements. So if a new requirement would come into place, there would be a, over time, I think, some efficiency that would come with that, and then the reporting mechanisms that would be necessary would kind of play out. What's interesting on the federal part and, and certainly, you know, the notion that research and other things that are done, they all have different rules across different federal things. And I will say maybe we're a little bit jumpy right now on federal funds as well. But we are trying to watch that and make sure that we can build the right systems to do the proper reporting. There are a lot of requirements currently, on federal funds. You'll actually find those grants and different things out there in, in a different way. And if such a bill were to pass and certainly what we want to work with Senator Andersen and you on, is coming up with a process that would make that kind of very clear. I think one of the other things I just want to point out that I know that Senator Andersen would be committed to any, any sensitive information and all those different things, and so we'll certainly be able to work on language on those fronts. And again-- so I, I'm never quite sure how to handle the current environment, where you're either a proponent, an opponent, or neutral. And it, it never feels like I can be just one of those. It feels like there's kind of an across the board. What we want to be is a good partner for you to make the right policies come together and that's what we're committed to. So thank you, Senator Sanders and others.

**SANDERS:** Thank you very much for your testimony, Mr. Blomstedt. Let's see if there are any questions from the committee. I see none. Thank you.

**MATT BLOMSTEDT:** All right. Thank you.

**SANDERS:** Any other opponents on LB662? Any in the neutral on LB662? Good afternoon and welcome.



**KATIE THURBER:** Thank you. Sorry. Chairwoman Sanders and members of the Government, Military and Veterans Affairs Committee, my name is Katie Thurber, K-a-t-i-e T-h-u-r-b-e-r, Interim Commissioner of Labor. I appear before you today in a neutral capacity on LB662. The Nebraska Department of Labor is approximately 98% federally funded. With these federal funds, the department administers the state unemployment insurance program and other key workforce programs. While the department recognizes positive aspects of LB662, the department has some concerns about how LB662 as drafted may limit future federal funding opportunities for both the department and other state agencies. Events at the federal level are happening quickly. The department is concerned that LB662 as drafted limits the department's ability to act expeditiously to capture federal grant funds necessary to deliver the state's workforce and unemployment programs. The bill's requirement that the Legislature provides its excess-- express prior consent would limit, and in some instances, possibly prevent the department from receiving vital federal grant funds. It is critical that the department and all state agencies maintain a way to rapidly respond to federal opportunities and not lose out on federal funds. For example, the CARES Act of 2020 made available an additional \$600 per week of emergency benefit increase to eligible individuals under the span of federal pandemic unemployment compensation. FPUC payments were separate from regular unemployment benefits paid by the department. The department entered into an agreement with the U.S. DOL within 24 hours from the date the President signed the CARES Act. Payment of FPUC benefits was only for weeks of unemployment that began after the agreement with U.S. DOL was signed. If LB662 was in effect at that time, these much needed benefits would not have been available until the Legislature acted to approve the agreement. The department would not have been able to pay Nebraskans these funds retroactively. This means Nebraskans would have lost out on these benefits. For reference, that first week of April 2020, we paid out over \$22 million in FPUC payments. Additionally, Nebraska's Onsite Consultation Program is 90% federally funded with a 10% state match. The department enters into an annual agreement each year around August. The department typically has at least one opportunity to identify both one-time only de-obligations and funding requests for each fiscal year. In 2024, we received our notice of this opportunity on June 26 and had a deadline to respond with additional funding requests or de-obligation by July 19. The bill is silent on how agencies get the legislative approval required by LB662, and in particular, what options are available for approval when the legislature is not in session. Without a known process, an agency's ability to both respond timely to federal funding opportunities and comply with LB662 as drafted is in serious doubt.



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For LB662 to work, agencies need the opportunity to seek the Legislature's consent before contracting for federal funding, but it's unclear how that fits within expedited federal timelines. The question the department is raising is how does the Legislature anticipate this approval process to be implemented and still allow for agencies to receive all available federal funding opportunities? This concludes my testimony, and I would be happy to answer any questions you may have.

**SANDERS:** Thank you very much for your testimony. Right on the light. Let me check to see if there are any questions from the committee. I see none. Thank you very much for the written testimony, as well.

**KATIE THURBER:** Thank you.

**SANDERS:** Thank you. Are there any other neutral testifiers for LB662? I see none. We'll ask Senator Andersen if he'd like to close. While he's coming back up, the online position comments: proponents, 3; opponents, 1; and 1 in the neutral. Welcome back.

**ANDERSEN:** Thank you, Chairwoman Sanders. A couple of comments before I start my close. In the comments from the Department of Labor, I think one of the things that's kind of concerning is the fact that 98%-- she said 98% of their funds are all federal funds. I think that really shows the fragility of the system and having more coherent and under-- better understanding of exactly what the allegations are and what's at risk, should any level of the funds be lost. I think it's a great demonstration of why we need to pass LB662. When you talk about the large number of contracts, I, I imagine with 98% being from the federal government, they probably have repeated contracts over and over, so not reinventing the wheel every single time. There's not a new process every single time, just an accounting mechanism. And then I think it's a great point that she made about the legislative approval process. The University of Nebraska System has said the same thing, about what happens when we're only in session 90 days one year, 60 days the next. I think we, we can easily work out a process with which we can do things out-of-cycle to get the, the contracts approved, memorandums approved. With that, Chairwoman and fellow members of the Government, Military and Veteran Affairs Committee, I introduced LB662, requiring the annual reporting of state agencies of federal funds of-- both requested and received. LB662 is an effort to increase transparency and awareness of funds provided by the federal government to Nebraska's state agencies. This transparency will assist in oversight by providing a clear, comprehensive picture of these resources and the requisite obligations of our state. It will ensure the Legislature is informed of any obligations resulting from a



decline or a termination of federal funds. LB662 aligns Nebraska state agencies with the principles of open, transparent, and accountable governance. As legislators, we must have the access to comprehensive information to guide our decision-making and prioritization of the state programs. LB662 is essential for establishing transparency and accountability of federal funds requested and received by the Nebraska state agencies. By instituting a standardized federal funding inventory, we are taking a proactive step to safeguard our state's fiscal integrity and ensure we know where every federal dollar coming into the-- into Nebraska is going and why it was requested, and what strings are attached to those funds. I urge the committee to support LB662 by passing it out of committee for consideration by the rest of the body. I thank you for your time and consideration, and I'm available for any final questions.

**SANDERS:** Thank you, Senator Andersen. See if the committee has any questions. I see none. Thank you. This closes the hearing on LB662. We'll now begin the hearing for LR14. Good afternoon and welcome, Senator Lippincott.

**LIPPINCOTT:** Thank you. Good afternoon, Chairman Sanders and the Government and Military Affairs Committee [SIC]. My name is Lauren Lippincott. That's L-o-r-e-n L-i-p-p-i-n-c-o-t-t, and I do represent the District 34, here in Nebraska. In 2022, the Nebraska Legislature passed LR1-4, LR14, which was an application to Congress for a convention of states. This year, my legislative resolution was bestowed the same number, LR14. LR14 would rescind our current application, which does have a sunset clause, which is the 1st of February 2027, and replace it with the same application, simply without the sunset. This legislative resolution calls for the state of Nebraska to call for a limited Article V conventions of states, which would discuss and potentially propose amendments to the U.S. Constitution. A convention of states cannot be called without 33 states-- that's 2/3, 34 states passing matching resolutions to call for one. Currently, there are 19 states which have the same language as ours on the books. And of course, Nebraska is one of those 19. There is legislation in all 31 of the other states introduced and up for discussion. Now, once 34 states, that is 2/3 of the states have passed the same language, an Article V convention of states is called. Every state would be represented, and through a convention process, amendments are proposed. The proposed amendments can be ratified if 38 states, that is 3/4 of the 50 states vote favorably. LR14 calls for a convention to propose 3 specific topics for amendments. (1) They would impose fiscal restraints on the federal government. Of course, as we all know, the national debt right now is at \$36 trillion, and the



clock just continues to tick. And it's very interesting to note that not only do we have a \$36 trillion debt, but it's well over \$100 trillion invested spending for entitlement programs like Social Security. Interest on the debt just this past year has now exceeded our defense spending. (2) Limit the power and jurisdiction of federal government. It's interesting to note that regulation compliance cost \$3 trillion a year. That was in 2022, which was 12% of our GDP. That's more than all personal income tax and corporate tax combined. This causes an economic loss of 25% or \$4 trillion a year. That's considerable. Point (3) Limit the terms of office for its officials and for members of Congress. It's interesting to note that over 90% of incumbents in the U.S. House and Senate are reelected each election cycle. The status quo is not working. By requiring matching resolutions two-- by 3-4-- 34 states, that is 2/3 of the states, it naturally creates a structured framework for the subjects discussed during the convention. This is so important because this is the limiting factor and why the runaway convention argument does not work. These 3 topics are what they are gathered to talk about and to create amendments for. This process is laid out in Article V of the U.S. Constitution as a method to propose amendments to the Constitution. This is not an instrument to rewrite the Constitution or create some kind of new government. Article V even explicitly states that a convention can only meet for the purpose of proposing amendments. Article V provides equality between Congress and states when it comes to proposing amendments to the Constitution. The opposing side will argue that we're not in control and that the convention can run away. They will argue that there's no control in the process, and once a convention convenes, the delegates will become, quote, drunk with power that they have been given and to go off track and outside the subject matter within the resolution that it called. But if 34 states must have identical language in the resolutions that they pass in each state, then those states which will be the majority at the convention will know the lines within they need to color. They are bound to the scope that is in the resolution. However, if that is the only reason or concern, that is why I've introduced LB259. We'll be discussing that in a bit. That outlines and ensures that Nebraska delegates to such a convention would be bound to the scope and subject matter in the state's application. Even if the convention were to "run away" and they were to bring amendments to vote for the Easter Bunny as President, any proposed amendment that would be agreed upon would go back to the states for ratification. That's important. And it would take 3/4 of the states, that is 38 states voting in favor of the amendment to make that happen. And of course, 3/4 is the sa-- as-- is the same as Congress when they propose amendments to the Constitution.



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Same for them, same for us. So let's pretend now that 34 states have passed the same resolution. Now, again, just as a review, 19 presently have passed it, we need 15 more. That would equal 34. So let's just go forward in time and, and talk through this. We would all then send delegates and they would agree on amendments. Now the only thing that Congress has to do in this is they have to determine where and when that meeting would take place. So let's just say, for instance, they said Omaha is right in the middle of the United States. We'll have it in Omaha on such and such date. So everybody meets right there, and then 38 out of the 50 states would have to agree upon it, so that would be 3/4. Those amendments come back to Nebraska for ratification. The same process for adopting an amendment made by Congress would then revert to our rules, then it would be our Legislature that would have to work on those. Our rules say that under Rule 4, Section 2 of the Rules of Nebraska Unicameral Legislature, quote-- states, and I quote: "When considered as a Bill. Resolutions 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." So it'd be much like what-- how we do things here today with our normal legislative bills. The Government and Military Affairs Committee [SIC] would then be referenced or would refer and reference any such amendment. So the same process of public notice, testimony, committee member questions would happen as we have here today, then it would have to go through the Executive Committee [SIC]. They would have to exec on it, and that process would then vote the bill out of committee. If passed, it would go to the floor for debate. If fully debated and passed by the Legislature, then the state of Nebraska would have ratified it, and 49 other states would process any amendment in their own manner. Then if and only if 38 of the 50 states ratify the proposed amendment, does it get added to the Constitution. This is not something that will be done easily. In fact, only 27 amendments have been ratified by the requisite number of states. And 10 of those, of course, as we know, is the Bill of Rights, making it only 17. There are 6 proposed amendments now that have yet to be ratified by 38 states. That's a high bar with guardrails in place so that there's no fear of runaway convention. As a matter of fact, it's interesting to note that from 1789 to current day, there's been 11,848 proposed amendments to the Constitution. And of course, we only have 27. So, there's a lot of filters. With that, I'll take questions. And if I cannot, cannot answer your questions, there's a couple of people behind me who may be able to. Thank you.



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**SANDERS:** Thank you, Senator Lippincott. Check to see if there are any questions from the committee. Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. Thanks for being here, Senator Lippincott. It's an interesting topic. And I talked to the gentleman who I assume is going to testify, and he brought this up to me that the term limits part is not just for members of Congress, but officials.

**LIPPINCOTT:** Correct.

**J. CAVANAUGH:** Can you elaborate on that a little?

**LIPPINCOTT:** Yeah. Well, again, that is-- they will get down into the specifics once they meet. I used the example of meeting in Omaha. So they would have to make that determination. Right now, it goes from a broad topic to a specific topic. So the broad topic are the 3 items that we talked about-- limiting power, limiting spending, limiting terms-- term limits. So those are the 3 broad areas, and all 34 states would have to agree to that. And then once they meet together, as I used the example of Omaha, then they meet together and say, well, just exactly how specific do we want to get with limiting the terms? So, the specifics would come down the road some.

**J. CAVANAUGH:** So-- well-- by the way-- I guess my question is what do we mean by officials as distinct from members of Congress?

**LIPPINCOTT:** I've heard all kinds of different things that have been proposed, so again, that's-- this is just speculative. It could be for people that are your staff members, you know, that-- bureaucrats could be limited. But again, that's speculative only.

**J. CAVANAUGH:** OK. And then what is-- I guess, what is the intention you-- on limiting the power and jurisdiction of the federal government? You mentioned regulations. Can you give an example of what we-- what, what this means, I guess. I'm trying to understand what limiting the power of the federal government is.

**LIPPINCOTT:** I've heard Donald Trump, he said in his first term that his goal was to eliminate 2 regulations for every 1 new regulation. And it ended up in his first term that they eliminated 8 regulations for every 1 that they integrated. And he has challenged his staff right now to do it at 10 to 1. So it's to try to eliminate a lot of regulations, which holds back commerce, just to eliminate different types of restrictions-- regulations that government imposes on business.



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**J. CAVANAUGH:** OK. But it would be-- basically, if we had a constitutional amendment that ban-- that limited the power and jurisdiction of the federal government, it would not just eliminate the regulation, it would eliminate the federal government's ability to impose some reg-- regulations, right? That, that would be the intention?

**LIPPINCOTT:** I think that would be a fair assessment.

**J. CAVANAUGH:** OK. All right. Thanks.

**SANDERS:** Are there any questions from the committee? I see none. Thank you. And you--

**LIPPINCOTT:** Thank you.

**SANDERS:** --plan to stay for closing? Thank you, Senator Lippincott. We'll now ask for invited guests, Mark Meckler. Thank you. Good afternoon. Welcome.

**MARK MECKLER:** Good afternoon, Madam Chair, Mr. Vice Chair, honorable members of the committee. My name is Mark Meckler, M-a-r-k M-e-c-k-l-e-r, and I'm from Leander, Texas. I'm the president of the Convention of States Action, and we are the organization that is moving this initiative forward nationally. I'm going to keep my remarks brief. Happy to answer questions. You all passed this particular application several years ago, and the intent to be here today is to remove the sunset clause. There are several states that passed this application with a sunset clause: Missouri. Oklahoma, Texas. Missouri and Oklahoma have both removed their sunset clause. Texas is in the process, I believe will remove their sunset clause this session. The reason for that is we believe liberty never expires, first of all, and this is a fight for liberty. It is a fight to rebalance the jurisdiction between the federal and state governments, and you can rescind an application any time you like. There is no necessity of a sunset clause. The Legislature always retains the right to rescind any application at any time during a legislative session. So whether or without a sunset clause, you have the ability to revisit this any time that you feel it's necessary. Today, the federal government is out of control. Most people agree with this. It's not a partisan issue. People would like to see the power at home where they are. This is an issue, again, that crosses partisan lines. We've polled this nationally. People want the power in their state legislatures. There's a reason for that. They elect you. They trust you. They have the opportunity to come here to Lincoln and actually be



face-to-face with you-- or at home in their districts. For the average American, that is a literal impossibility with regard to their state representatives or state senators. They simply have no chance to cross paths with those people, talk to those people, or influence those people. They can actually see themselves sitting in your seats. We have grassroots activists all across the country that have come into the movement, and then ultimately ended up sitting in a state legislature. This is what the Framers intended. I can tell you when I started this movement 12 years ago, I probably had a much lower impression of state legislatures than I do today, having traveled to 49 of the 50 states and met with literally thousands of state legislators across the country. This is where the Framers intended governance to take place. They had faith in you. Most of them had served in state legislatures or local councils. They knew that you would be the closest to the people, and they wanted the power closest to you. And that's what I'm here representing today. Happy to take questions, Madam Chairwoman.

**SANDERS:** Thank you, Mr. Meckler, for your testimony. Check to see if there are any questions from the committee. Senator Lonowski.

**LONOWSKI:** Thank you, Chairwoman Sanders. Thank you for being here, sir. Appreciate it. So one, one thing you mentioned was it's a non-- it's a nonpartisan issue. When I was knocking doors I had both Republicans, Democrats that loved it and both those that hated it. So I asked those who disliked it, what's the problem? And their biggest fear is a runaway convention. And at that point, I didn't know a whole lot about this, tried to get my, you know, get my taste for exactly what it was. Can you explain why that wouldn't be possible or why we-- how could we ease their fears?

**MARK MECKLER:** Sure. Thank you, Senator. This is the most common opposition we hear to this. It's across the aisle. I would argue it's probably about 10% of folks feel this way. And it's just from a lack of understanding of the process. And let me start at the end of the process. I think that's the easiest way to answer the question. And I think Senator Lippincott did a pretty good job, so I won't go into too much detail about it. But whatever comes out of convention-- and this is probably the most important thing we can all note-- it's a suggestion. And personally, I can say I've never been in a meeting where suggestions were being made that I was afraid of suggestions. I might be afraid of actions that might be taken. I might disagree with them, but suggestions are just that: suggestions. And what comes out of a convention, if we can get 26 states to agree on something, are a suggestion or suggestions to the states. That is then sent out to the



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states for ratification, and it requires 3/4 of states, 38 states, to ratify anything that comes out of convention. I would posit this, that if you look at whether you're coming at this from a Democrat perspective, as far left as you want to go, a Republican perspective, as far right as you want to go, none of those proposals, far right or far left could be ratified coming out of the convention. The country's far too divided. Well, I believe we're going to end up with the only things that can be ratified are things that are common sense, things like a balanced budget, term limits, things that the vast majority of Americans support.

**LONOWSKI:** Thank you.

**SANDERS:** Thank you. Senator Cavanaugh.

**J. CAVANAUGH:** Thank you. Thanks for being here, Mr. Meckler. And you, you had-- we spoke in the lobby--

**MARK MECKLER:** Yes, sir.

**J. CAVANAUGH:** --and had a good conversation. I just sort of have some technical questions. I think-- I don't know if it was you or somebody else mentioned that basically, Nebraska would have delegates based off congressional district. That's not spelled out in here, is it?

**MARK MECKLER:** No. That's spelled out in the bill we'll be discussing later--

**J. CAVANAUGH:** OK.

**MARK MECKLER:** --at the end of this hearing.

**J. CAVANAUGH:** So does-- every state gets one vote.

**MARK MECKLER:** That's correct.

**J. CAVANAUGH:** And then they can send-- we can send 1,000 delegates or 1 delegate?

**MARK MECKLER:** Correct.

**J. CAVANAUGH:** OK. And then for a suggestion to be kicked out, does it take the same 34, or how many votes-- how many states--

**MARK MECKLER:** It takes a simple majority for something to come out of convention, so that would be 26 states.



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**J. CAVANAUGH:** OK. 26 states. And I asked Senator Lippincott this and you and I, I think, talked about it a little bit, the, the officials and members of Congress.

**MARK MECKLER:** Yeah.

**J. CAVANAUGH:** Can you elaborate on that a little bit?

**MARK MECKLER:** Yeah, I think this is really important when we're talking about term limits. And, and you have experience with term limits in this state. I've seen it all over the country. There's a danger to term-limiting elected officials, only in that you empower the bureaucrats and potentially long-term staffers to run the government. And they stay around forever. And then officials, elected officials who are responsive to their electorate get termed out of office. And so it creates a class of people that are more powerful than the elected officials. And so when we say, govern-- other federal officials, what we're referring to is staffers, bureaucrats, actually also, potentially, the federal judiciary, anybody that works for the federal government could have their terms working for the federal government potentially limited under that part of the application.

**J. CAVANAUGH:** But it wouldn't allow us to put limits on lobbyists or anything like that.

**MARK MECKLER:** No, those un-- I would say unfortunately, on that one. You know, lobbyists are outside the government system, so we couldn't do that. But I would say and I think this is important, I think you and I had a brief conversation about this as well, that I do believe that we should close that revolving door on lobbyists coming out of the federal government and then going to make millions of dollars lobbying their colleagues. And under the third part of the application, limiting the scope, power, and jurisdiction of the federal government, an amendment could be proposed to stop that revolving door. And I, personally, would be in favor of that.

**J. CAVANAUGH:** OK. Yeah. And just to go back to that part, the limiting the power and jurisdiction of the federal government.

**MARK MECKLER:** Yeah.

**J. CAVANAUGH:** So, I mean, what are-- I guess there's obviously an intention.

**MARK MECKLER:** Yes.



**J. CAVANAUGH:** People have proposed this. What--

**MARK MECKLER:** Yeah.

**J. CAVANAUGH:** --is it just regulations or what is there that we're talking about?

**MARK MECKLER:** So I think the, the simplest way to put it and then I'll go into a little bit more detail, as much as you would like-- the simplest way to put it is when the Constitution was drafted, there were 17 enumerated powers. And those who were there drafting it said, these are the powers we're giving to the federal government, and no more. And then with the 10th amendment, we said everything else not prohibited to the states is reserved to the states and the people. Well, unfortunately, over probably the last 115 years, through a series of court decisions, the federal government has usurped a lot of state authority. I'll give you a very-- some very specific examples. The intention behind the Commerce Clause was simply to give the federal government the power to prevent interstate trade wars, literally. In 1787, New York and New Jersey were about to go to war over trade, and they thought, well, this isn't going to work. We have to give Congress the power to deal with this. So the goal was to smooth out trade between the states. Unfortunately, the federal courts, including the Supreme Court, have interpreted that over the years to mean almost anything that the federal government has power to regulate virtually everything. And so the goal would be to restrain that power somewhat. I'll give you some specific examples. Potentially, some people would say that there is no legal justification for the Department of Education in the Constitution. Thomas Jefferson spoke about this, actually. He said he couldn't spend money on University of Virginia because that would violate the Constitution. That's been held as legal by the United States Supreme Court, even though it clearly was not the intent of the Framers. So there are many areas of the law where we could say, hey, we're going to push the federal government outside of this area of regulation and we're going to return that solely to the states. I would also argue, and I think it's a good way to put a bow on this, that almost everything that the federal government regulates in your state is also regulated by your state. The Framers all believed that was impossible. Literally, you know-- we know the debate between Hamilton and Jefferson, big government versus small government guy. One thing that they both completely agreed upon-- never, never debated, talked about, and they agreed on it-- is that government should have an exclusive sphere of influence. If the state can do it, the federal government



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really shouldn't, and vice versa. And so, I think the goal was to move back to something closer to that.

**J. CAVANAUGH:** OK. And so would this take the form of one amendment or multiple, specific amendments?

**MARK MECKLER:** Are you saying specifically in that area, or--

**J. CAVANAUGH:** In that area, yeah.

**MARK MECKLER:** It could be one or more. I mean, for example, if somebody were to say, well, we want to deal with education, it could be an amendment simply saying something to the extent of the federal government shall not be involved in education. So it's just up to the folks who meet in convention. And this is according to the intent of the Framers. They expected a convention to be a deliberative process. The reason that we know that is there were 11 conventions-- interstate conventions before 1787. We know exactly how they worked and what the rules were. And they were used to setting out general ground rules for the convention, and then getting in the convention and having debates about the actual substance.

**J. CAVANAUGH:** I've got one more for you that's just sort of my personal interest.

**MARK MECKLER:** Yes.

**J. CAVANAUGH:** Would any of these allow us to put more restrictions on campaign finance and dark money and that sort of stuff?

**MARK MECKLER:** Yeah. You know, I get asked that question all the time. The answer is no. And, and the reason the answer is no is because everything in this particular application is couched in terms of limiting the scope, power, and jurisdiction of the federal government. And what you're proposing would actually, in some ways, increase that power by saying to the federal government, you can impose more regulations. So there has been an effort by other groups-- I don't think it's gone very far-- to overturn Citizens United. There's a group called Wolf-PAC that's out there promoting that. It would require a convention called for a different purpose.

**J. CAVANAUGH:** OK. Thanks.

**MARK MECKLER:** You're welcome.



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**SANDERS:** Are there any other questions from the committee? Senator Andersen.

**ANDERSEN:** Thank you, Chairwoman. Mr. Meckler, thank you for being here. When Senator Cavanaugh mentioned the officials and it's kind of an ambiguous term, have you ever thought of [INAUDIBLE] of something that when you get to the general officer level, you get the senior executive scale, and that's well-defined. And that's really the decision-making level and above the executive level. Is there any thoughts on maybe that would be a definition they could use?

**MARK MECKLER:** I think that's something that could be proposed at convention, Senator, that specific limitation. We used a more general-- again, acknowledging the fact that a convention is supposed to be a deliberative body. And we wanted to give them the room. I don't propose to be smart enough or expert enough in these particular subject matter areas to know what the right exact language would be for an amendment. The intent was to create, sort of set the table so that folks could get into a room and debate this.

**ANDERSEN:** Thank you.

**SANDERS:** Any other questions? Senator Guereca.

**GUERECA:** So first, thank you for being here and for your testimony. Before I need it to get kicked out, it's 50% of the delegates-- of the states?

**MARK MECKLER:** It's a majority-- a simple majority, so--

**GUERECA:** A simple majority.

**MARK MECKLER:** --it would be 26 states.

**GUERECA:** Now the 3-- the, the-- and it needs to be approved by Congress at a 3-- 3/4 of Congress, correct?

**MARK MECKLER:** Congress doesn't have a role. It actually goes out to the states for ratification. It would take 3/4 of the states to ratify any amendment.

**GUERECA:** OK. But that same 3/4 threshold doesn't apply to this Legislature. Each legislature has their own process of approving it?

**MARK MECKLER:** You mean in convention?



**GUERECA:** No, no. Once it's kicked back to the legislatures.

**MARK MECKLER:** Then it's up to your legislature how to ratify amendments.

**GUERECA:** Gotcha. OK. Thank you.

**MARK MECKLER:** And you-- and by the way, you specify that in your constitution already, how you ratify amendments.

**GUERECA:** Thanks.

**SANDERS:** Any other questions from the committee? Senator Wordekemper.

**WORDEKEMPER:** Thank you for being here. I guess just to clarify that, so once a resolution comes back to the states to decide, it's the 49 legislature people here that decides that, or does it go to a vote of the people of the state to decide if we're moving forward with that?

**MARK MECKLER:** A little bit of nuance in answer to that question. It says specifically in the Constitution that Congress decides the mode of ratification, and specifies either legislative or state conventions. And so that means it's going to come back here with an instruction whether your legislature will ratify or you will hold a state ratifying convention. Interestingly, a state ratifying convention is whatever the legislature says it is. And literally you could convene the legislature as a state ratifying convention and choose to do it that way. Only one time out of the 27 amendments in American history has the ratifying convention methodology ever been used, and that was for the repeal of prohibition.

**WORDEKEMPER:** Thank you.

**SANDERS:** Any other questions?

**LONOWSKI:** I've got one, Chair.

**SANDERS:** Senator Lonowski.

**LONOWSKI:** Thank you, Chair Sanders. Thank you again, sir. So let's say you send your delegate, and, and everyone going to this convention has, has these 3 ideas that these-- that we want to work on. What if, what if I say to one of the delegates, hey, I have a great idea about voting machines, or I have a great idea, and everybody starts rumbling in there. And I-- that is a good idea. Can they take that on as well?



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**MARK MECKLER:** Are you specifically referring to voting machines or just any other [INAUDIBLE]?

**LONOWSKI:** I, I just-- no, anything.

**MARK MECKLER:** Yeah. OK. The answer is only things that fall within the application's 3 tenets. And the reason for that is you have authorized the convention, 34 states, a supermajority of states, saying that you're going to talk about a particular group of things. And the reason that we know this is absolutely, undeniably factual. Our opponents will, will say that we have no way to know that-- is there have been over 400 applications in the history of the United States calling for a convention of states. We've never had a convention of states. And the reason is the states haven't agreed, 2/3 of the states, on what they want to talk about. So the states actually have to agree in advance. That's how we know that this is binding. Now, when you get into convention, if you think about how the convention would work, you would have 34 states that have agreed we're only going to talk about these 3 subject matter areas. That's a supermajority of any convention, so the idea that somehow then they would drift outside the bounds of those doesn't make any sense.

**LONOWSKI:** OK. Thank you.

**SANDERS:** Senator Guereca.

**GUERECA:** But if they could, that's why Senator Lippincott introduced LB259, right?

**MARK MECKLER:** When you-- I, I want to clarify, when you say they could, I think the answer is any human being at a convention could raise their hand and say anything they want to say, but they would lack the authority to act on those things because they've been appointed as agents of your legislatures. I'm, I'm saying 34, a supermajority of the legislatures, they have specific authority, their authority derives from the legislative appointment, and the legislature has appointed them to discuss only those 3 subject matter areas. So certainly, any human being could raise their hand and say anything they want, but it would be deemed out of order and nongermane to the convention.

**GUERECA:** OK. Thank you.

**SANDERS:** Any other questions. I see none. Thank you very much for your testimony.



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**MARK MECKLER:** Madam Chair and members of the committee, thank you.

**SANDERS:** Thank you. Any other proponents on LB-- LR14?

**ROBERT KIPLING:** Been sitting down too long. There you go. Gotta get my cheaters out.

**SANDERS:** There you go. Welcome.

**ROBERT KIPLING:** Good afternoon. Thank you, Chairperson Sanders and other members of the Government, Military Veteran Affairs Committee. My name is Robert, R-o-b-e-r-t, Kipling, K-i-p-l-i-n-g. And then, I'm from Omaha, Nebraska, District 18. I'm here to provide a brief description of LR14. This resolution is to rescind a prior resolution and apply to Congress for a convention of the states to propose amendments to the United States Constitution, such that the Legislature applies to Congress under the provisions of Article V of the Constitution of the United States, where the calling of a convention of states limited to proposing amendments to the Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its, its officials and members of Congress. Excuse me. (2) The Legislature adopts this application with the following understandings, reservations, and declarations: For the U.S. Congress: Upon 2/3 or 34 of all state legislatures passing Article V applications, is to call for a convention and determine a reasonable time and place for the initial meeting; it may determine whether proposed amendments shall be ratified by the legislatures of the states or by special ratification conventions; and must act only as expressly specified in Article V. Congress has no other responsibility nor power to intervene with the convention, including, but not limited to, naming or setting the number of delegates to be set, nor determining the rules for the convention. For Nebraska, a convention of states is limited to consideration of topics specified in this resolution, nothing else. At the convention, states vote on the basis of one state, one vote. The named delegates to the convention remain exclusively within the authority of the legislature of the respective states, and the legislature may recall its delegates at any time for breach of their duties or violations of their instructions pursuant to the procedures adopted in this resolution. (3) That this application hereby repeals, rescinds, cancels, renders null and void, and supersedes the application to the Congress for a convention under Article V of the Constitution of the United States by this state and LR14, as adopted by the One Hundred Seventh Legislature of Nebraska, Second Session, in 2022. This application constitutes a continuing



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application in accordance with Article V of the Constitution of the United States until the legislatures of at least 2/3-- 34 of the several states have made applications to Congress for an Article 5 convention on the same subject. Again, my thanks to Chairperson Sanders and the other members of the Government, Military and Veterans Affairs Committee. Thank you.

**SANDERS:** Thank you, Robert Kipling, for your testimony. Let's see if there are any questions from the committee. See none. Thank you for your written testimony.

**ROBERT KIPLING:** Thank you.

**SANDERS:** Thank you. Any other proponents on LR14?

**GUY MOCKELMAN:** Don't let these big packets scare you. Most of it is just for your reference later.

**SANDERS:** Thank you, and welcome.

**GUY MOCKELMAN:** Thank you. I think I got them in the reverse order of how you're walking around the room. My apologies. OK. My name is Guy Mockelman. That's G-u-y-- does this chair adjust? I'm like, a really short person up here.

**SANDERS:** It doesn't.

**GUY MOCKELMAN:** OK. Wow. I'm kind of thrown off.

**SANDERS:** Imagine when I sit there. Yeah.

**GUY MOCKELMAN:** Yes. Let me start over. Sorry. My name is Guy Mockelman. That's G-u-y M-o-c-k-e-l-m-a-n. I live in Omaha and I'm a volunteer with Convention of States Action. Chairperson Sanders, Vice Chairperson Andersen, members of the committee, thank you for hearing my testimony today in support of LR14. A lot of things we could talk about, I'm going to talk about just 2 here briefly with you, and first is the opposition's concern about runaway conventions. Our society today, it seems, is largely unfamiliar with how the process of amending the Constitution works. As a result, there are those who claim to fear that an Article 5 convention could run away and destroy our Constitution, among other things. In its simplest terms, those of us who become paralyzed by such fears, we need only remember that Article V conventions do not approve constitutional amendments. Conventions only propose them. The same thing goes for Congress. Congress can only propose amendments. They cannot approve them.



Rather, all proposed constitutional amendments per Article V of the Constitution must be ratified by at least 38 states in order to be approved. This is true, regardless of whether the amendments are proposed by an Article V convention or if they are proposed by Congress. So only ideas with a broad consensus that can unite us across all of our differences, across all of this land, will survive the ratification process of 38 states. This intentional high bar means it is much easier to kill a great proposal than to pass a bad one. When the opposition today, today speaks and, and through some of their concerns, just remember that there are available rebuttals that are numerous and they're backed up by precedents, history, documentation, et cetera. At the bottom of my written testimony, I have submitted a few resources for you. And here's one example, this book here. It's the Law of Article V. It's by renowned Article V authority, Professor Rob Natelson. So there is a lot of material here to answer, you know, concerns that get expressed. Moving on, then, to my second point, is that people are supporting and employing-- or supporting the process of employing checks and balances on the federal government. As an example, a recent poll by Susquehanna Polling and Research, with weighting distributed between Democrats, Republicans and independents, it showed that 71% believe additional limits on federal power are needed. 88% support term limits for career politicians. And putting it all together, 68% back a meeting of the states to propose amendments for fiscal responsibility, limits on federal overreach, and term limits. These results have been consistent with other polls taking over time on these issues. Now to those packets. Each of you have been provided with a list of those in your district who have signed our petition supporting an Article V convention. So the people are behind this effort again, here in your districts, too. More than 22,000 across the state have signed, but in your hands you have yours. In closing, please support LR14 today. Answer that sacred call and duty the framers-- or the Framers gave you, and only to you, to bring this federal overreach back into order. Thank you for what you do, and thank you for your time today.

**SANDERS:** Thank you, Mr. Mockelman, for your testimony and the information packet. Are there any questions from the committee?  
Senator Hunt.

**HUNT:** Thank you, Chair Sanders. Thanks for bringing this. I want to thank you for the time it took to compile this information for us personally. I see, in my particular district, there's 294 signers of this petition. And, of course, a lot of these names are very familiar to me, so thank you for the information.



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**SANDERS:** Any other questions? I see none. Thank you very much, again.

**GUY MOCKELMAN:** Thank you.

**SANDERS:** Any other proponents, please, for LR14? Welcome.

**DAVID McPHILLIPS:** Thank you. My name is David McPhillips, D-a-v-i-d M-c-P-h-i-l-l-i-p-s. I live in David City, and I speak in favor of LR14. I believe the states must put fiscal restraints on the federal government, and they must be made effectively permanent in the form of constitutional amendments. Fiscal restraints are needed. According to the U.S. debt clock, federal debt stands at \$36.5 trillion, which is 107 grand per citizen and 323 grand per taxpayer. The federal government is wasteful. Here are just 3 of many examples of waste the Department of Government Efficiency, or DOGE, has uncovered: \$236 billion worth of payment errors in fiscal year 2023; \$516 billion in appropriations for expired programs in FY '24; and \$1.7 billion on 77,000 unused federal properties in fiscal year 2022. The federal government is irresponsible. Here are just 3 of many examples uncovered by DOGE and Senator Rand Paul: \$15 million for contraceptives in Afghanistan and the Taliban; \$3.3 million for just being LGBTQ in the Caribbean through U.S. aid; thousands of dollars for operas, comic books, drag shows, and musicals. Fiscal restraint should be nonpartisan. No rational person, no matter which party they belong to, wants to have their salary taken and wasted on errors, empty buildings, comic books, and musicals. And the last time the budget was balanced, it was in fiscal year 2001 under president Bill Clinton-- Democratic president Bill Clinton. And a balanced budget is not good enough. The federal government must be forced to spend-- to limit spending and to pay down the debt, not just balance the budget by raising taxes. And federal-- fiscal restraints must be made effectively permanent. American people now may be optimistic that the government waste is being discovered by DOGE and will be eliminated. However, this will only last until the next irresponsible president or Congress takes power. It doesn't matter which, which party they're from. Big banks will want to be bailed out or some country in the Middle East will be bombed just to prop up the military industrial complex. The states must put in place amendments to make fiscal responsibility effectively permanent in the form of constitutional amendments. I ask you to please support LR14. Perhaps through your support, we will see the 28th amendment pass that limits federal spending and requires paydown of the debt, which would assure a stable financial future for us and for future generations. Thank you.



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**SANDERS:** Thank you, Mr. McPhillips. And check to see if there are any questions from the committee. I see none. Thank you very much. And thank you for your packet as-- oh, your flier, as well-- written testimony. Thank you. Are there any other proponents on LR14? Please. Welcome.

**BRIANA BOWDINO:** Hi. Chairman Sanders and members of the committee. My name is Briana Bowdino, B-r-i-a-n-a B-o-w-d-i-n-o, and I live in District 2. Good afternoon. I am here representing myself in support of LR14. This is the resolution to Congress for a convention of states to propose amendments to the United States Constitution. I'm one of over 22,000 voters who support the convention of states project. I want Nebraska to pass the convention of states, LR14, to use Article V of our Constitution to propose amendments that limit federal spending, limit federal power, and set term limits on federal officials. I urge you today to move LR14 to the floor for consider-- consideration in our Unicameral. This would be a move towards real unity in Nebraska and our nation. The convention of states bids all states to come together. It's a strong show of unity across all party lines, something that our nation needs desperately this very moment. It's not just a move for red or blue states, but for all states to speak up for themselves, for their values. This resolution also empowers citizens to promote-- and promote self-governance. Self-governance is the pinnacle of personal responsibility, which is sorely lacking across our nation. The convention of states organization has helped many citizens to speak up, many for the first time. Creating an engaged constituency that's not satisfied to just let government happen to them but to be active participants. And so, the convention of states doesn't just empower citizens. It also empowers our State Legislature. A runaway federal government has long been distant and disconnected from Americans and flyover states like Nebraska, and the unique constituency of each state demands a robust and engaged state legislature that's brave to stand up against an overreaching federal government on behalf of their citizens. LR14 seeks to limit an overreaching federal government. The elitist culture of laws for thee, but not for me in our Congress needs to stop. In the last few weeks, we've been shown the depth of our government's financial incompetence in every department. The same departments, you know, like the IRS, who wanted access to audit all of our personal bank accounts are now being exposed, showing they can't even audit themselves. And they spend our tax dollars like they've got daddy's credit card. And so the convention of states seats-- the convention of states seeks to set tax limits, spending, and borrowing limits. So Article V amendment convention is a bold move provided to us in our Constitution for such



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a time as this. So 19 states have all approved and passed for convention of states. I ask you guys to move LR14 forward in the name of unity for all the states and empowerment for Nebraskans. Thank you, guys.

**SANDERS:** Thank you, Ms. Bowdino, for your testimony. Checking to see if there are any questions from the committee. See none. Thank you very much.

**BRIANA BOWDINO:** Yep.

**SANDERS:** Are there any other proponents? Welcome.

**MARK NELSON:** Thank you. My name is Mark Nelson, M-a-r-k N-e-l-s-o-n. My testimony is-- I'm a resident of District 2. Good afternoon, Committee Chair Sanders and Vice Chair Andersen and members of the committee. And thank and-- thank you for allowing me to speak today regarding the LR14. Article V of our U.S. Constitution states: The Congress, whenever two-thirds, both houses, seem-- deem it necessary, shall propose amendments to this Constitution or on the application of the legislators of two-thirds of the several states shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes and part of the Constitution, when ratified by the legislators of three-fourths thereof. Now here's a breakdown of that statement. Convention is a formal assembly for discussing and adopting proposals, and a meeting to talk. Its intents and proposals is an amendment that has the same effect as if it were included in the original Constitution. Proposing is offering for consideration, and ratification is a formal note of confirmation or adoption. Simply put, the amendment convention is an opportunity for us to gather together to talk this-- to discuss the failures of our government and to seek a better way. Simply-- we know Washington, D.C. is broken. She will not fix herself. She will not give up the power that she has broken from our states. She is a spoiled teenager that has kind of run amuck. Your elected senators must step up to be the adults in the room. Only you can solve the problem and slap permanent restraints on those who would de--deny us self-governance. Please support LR14, and what is wrong in Washington, D.C. thank you.

**SANDERS:** Thank you, Mr. Nelson. I'm going to check to see if there are any questions from the committee. I see none. Thank you for your written testimony. Any other proponents?

**KAREN ROTSCHAFER:** Thank you. Oh, my goodness. This is really low, isn't it? And I'm a tall person. OK.



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**SANDERS:** Good afternoon. Welcome.

**KAREN ROTSCHAFER:** Good afternoon. Thank you. Committee Chair Sanders, Vice Chair Andersen, and members of the committee, my name is Karen, K-a-r-e-n, Rotschafer, R-o-t-s-c-h-a-f-e-r. I live in western Lancaster County, in District 32. I am a Vietnam era vet and a volunteer for Nebraska's convention of states. Thank you for this opportunity. As our state senators, I'm sure you have felt the heavy hand of the federal government as it repeatedly usurped the rights of the states, rights as ratified by unanimous consent in our Constitution is-- on September 17, 1787, a very long, hard-fought 11 years after we declared independence from Great Britain. Our government has most assuredly forgotten that it derives its power from the states, and that's only because the states have forgotten that it's their job to keep the federal government in check. When the federal government steps outside their constitutional box, and they have really overstepped their bounds, nothing, not even an election, can put them back in their place. When Nebraska Convention of States started this process in 2013, the national debt was \$16 trillion-plus dollars. Now, our very long, hard-fought 11 years has passed since we started, and our debt totals over \$36 trillion, \$20 trillion in 11 years. Article V in our Constitution gives state legislators the power to control the feds through constitutional amendments. Of course, Congress is given this same power by the same Article V. In our 238 years since our Constitution was ratified, Congress has proposed amendments to our Constitution and had 27 ratified. As the citizens of the United States-- of these states-- and states, we've had none. Absolutely nothing. Aren't there things we think that the people want to put in our Constitution, things that the guys back in 1776 and 1778 couldn't even think of. Ladies and gentlemen, as senators of our great state, you are exactly where you need to be right now. We've needed you for many years. I can't fix Washington, but you all can. It's your right, your responsibility, and indeed, your obligation to call an Article V amendment convention.

**SANDERS:** Please continue your--

**KAREN ROTSCHAFER:** Thank you.

**SANDERS:** --final thoughts.

**KAREN ROTSCHAFER:** If we thought that problems could be solved in Washington, we wouldn't have been here over the past 11 years and still today fighting to call an Article V convention. It's time to make a few changes to our republic. Be revolutionary in our time. You



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find yourself here on this committee in this moment to make history. Please make a difference, and you will make history. Be great for us, and pass LR14. Thank you.

**SANDERS:** Thank you very much for your testimony, Mrs. Rotschafer.

**KAREN ROTSCHAFER:** Thank you.

**SANDERS:** Hold on. Let me see if there are any questions from the committee. We do have one, Senator Lonowski.

**KAREN ROTSCHAFER:** Yes.

**LONOWSKI:** Thank you, Chair. Not really a question. I just want to thank you for your service.

**KAREN ROTSCHAFER:** I'm going to--

**LONOWSKI:** So, appreciate that.

**KAREN ROTSCHAFER:** I want you to do your service now.

**LONOWSKI:** Yes, ma'am.

**KAREN ROTSCHAFER:** Let's get this passed.

**SANDERS:** Thank you very much for your testimony. Are there any, any other proponents on LR14? Hello. Welcome.

**STEVE DAVIES:** Good afternoon. Thank you, Madam Chairwoman and members of the committee. My name is Steve Davies, S-t-e-v-e D-a-v-i-e-s. Our nation was founded with a very limited federal government. And the founders told us, warned us that the salvation of the states is due to the watchfulness of its citizens. We have lost that. The federal government-- governments beget government, and they have absconded the states' power. It's time we take it back, and this is the only way that we do it. Governments won't reform themselves. Just as we found last year, we couldn't get good reform of property taxes. They have exploded spending, expanded transfer payments, and need I get into term limits? We look at recent people like Senator Feinstein, who almost died in office. She was incapable. Senator McConnell froze up many times in front of a microphone. And a recent president-- it, it's time to take action and get back to our constitutional federal system. And as far as the opposition goes, a lot of it is unfounded fear mongering. You know, I mentioned in November, we elected Hitler. That concludes my testimony. Thank you.



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**SANDERS:** Thank you, Mr. Davies. Check to see if there's any questions from the committee. I see none. Thank you. Any other proponents for LR14?

**ALLIE BUSH:** I don't have a green sheet [INAUDIBLE], but I promise I'll get one filled out if I could testify real quick. I'll give it to you in just-- do you want to fill it out for me? All right.

**SANDERS:** Teamwork.

**ALLIE BUSH:** Yes.

**SANDERS:** Welcome back.

**ALLIE BUSH:** Makes the dream work. Hi, guys. Allie Bush, A-l-l-i-e B-u-s-h. I am representing the grassroots group Nebraskans Against Government Overreach. We have supported the convention of states time and time again. This is not a new position for us, so I won't dive into a whole bunch of the talking points. I know that most of the people prior to me covered everything. Really, what I wanted to say is we like this legislation for the exact same reason we don't pay attention to what the federal government does. Our group focuses on the state level because that's where we can make a difference. And at the federal level, we don't have much of a voice. We can yell at our representatives till we're blue in the face, and at the end of the day, they do what they want because they've secured their position. And it is very, very difficult to beat an incumbent. We watched that happen at the last election, and the election before, and the election before, so long as you hold the coin purse, which, somehow, they develop in position in office. But, they solidify that position. So we believe that it would be good to submit to a convention of the states, simply because we'd like to have a redo. Let's start over and get back to the basics where we were supposed to do. We started out with a 8-- what was it, 89-page Constitution. And now, with amendments and added-in resolutions, we're at over 3,000 pages. That's not what our Founding fathers had intended for us. Until-- we absolutely support this legislation. We ask you guys to move it forward.

**SANDERS:** Thank you, Mrs. Bush. We'll see if there's any questions from the committee. See none. Thank you.

**ALLIE BUSH:** Thank you.

**SANDERS:** Any other proponents on LR14? Welcome.



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**STEVE JESSEN:** Thank you. Thank you, Chairman Sanders and committee. My name is Steve Jessen, S-t-e-v-e J-e-s-s-e-n, and I'm not going to bore you with any more talk. I, I just want you to know that everyone that come here-- up here before you today is a, a-- strictly a volunteer and we're in-- very active. Convention of states is noth-- nothing more than grassroots group of people. And that's the one thing I will tell you about convention of states is, is that we're not only just trying to-- this is just one of our goals is to call a convention and do that. But the real purpose of convention of states is to create a grassroots, engaged citizenry to help you guys and let you know. And us being a Unicameral, it is more important than ever that we, the people, are the second house, and that we show up and let you know what's going on. And that's really all I have to say, and that's what we do on a daily basis.

**SANDERS:** Thank you, Mr. Jensen [SIC]. Let me check to see if there are any questions from the committee. See none. Thank you.

**STEVE JESSEN:** Yep.

**SANDERS:** Any other proponents on LR14? Welcome, Senator Hall-- Halloran.

**STEVE HALLORAN:** It'd be inappropriate to stand, but Madam Chairperson Sanders, Vice Chair Andersen, members of the Military, Veterans and-- I would like to say that this is not new ground being plowed here, but I would like to give a recap without going too much in detail, but a recap of where we came from. When I came in the Legislature in 2017-- did I spell my name?

**SANDERS:** No.

**STEVE HALLORAN:** S-t-e-v-e H-a-l-l-o-r-a-n.

**SANDERS:** Thank you.

**STEVE HALLORAN:** Sorry about that. When I came in the Legislature in 2017, I was preceded by Senator Laura Ebke, who for at least 5 years, had promoted trying to pass a, a resolution having Nebraska become part of a convention of states, COS. She was unsuccessful, not without having tried hard. She handed that baton to me, and, and I spent most of my first 4 years trying to do that. So in 2022, we passed LR14. It was passed with a-- with an ending date. And the purpose of that ending date, quite simply, is so that at a give-- given date, you all could look at it again and see if it's necessary to continue with that resolution. Right? Well, at that time, we were at \$30 trillion in



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debt. I didn't hold out a lot of hope that we would or Congress would or Washington would reduce the debt or limit the spending and not increase the debt. And as it turns out, I was proven correct, because now the debt is \$36 trillion. But I was willing to acquiesce to get the 33rd vote with a sunset provision. So here we are, trying to start fresh with a fresh LR14. I'm going to give a few bullet points about some of the opposition you're going to hear are going to, are going to give comments about runaway convention. We've heard about that. But they're all-- words are important. Some of them will say, well, this will turn into a constitutional convention. And by historic definition, a constitutional convention is a convention for the purpose of writing a whole new constitution. I won't read Article V to you. It's very brief, but the Founding Fathers were very succinct in what Article V is intended to do, and that's simply to propose amendments, as Congress can do. So with that, I will close. Be glad to open-- address any questions you might have.

**SANDERS:** Thank you, Senator Halloran, for your testimony. Are there any questions from the committee?

**STEVE HALLORAN:** Somebody. Anybody. One question.

**SANDERS:** We see none.

**STEVE HALLORAN:** Could, could I make a real quick last comment, closing comment?

**SANDERS:** Yes, sir.

**STEVE HALLORAN:** Just a, a little bit of trivia. In our own State Constitution, Article XVIII addresses-- State Constitution addresses term limits at the national level. It's in our, it's in our constitution, and I think that's important. Also in 1979, Nebraska did pass a resolution for a balanced budget amendment, so this is not new ground being plowed. I, I encourage you to pass LR14.

**SANDERS:** Thank you very much for your testimony. Are there any other proponents on LR14? Any-- welcome.

**JEFFREY BARBER:** Good afternoon. My name is Jeffrey, J-e-f-f-r-e-y, Barber, B-a-r-b-e-r. I'm a volunteer with Convention of States, but more importantly, I'm a father and grandfather. And when I was born in 1957, I think the federal deficit was-- actually, there was a surplus of like \$0.43 billion. When you look at what's happened in those 68 years, since then, it's just rampant spending. And like I said, I'm a father and grandfather, and I want to leave a better place for my kids



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and their kids. And I don't see any way that the federal government can continue the way it is and have a sustainable future for my children and their children. So I ask you to look at this amendment as a way for the future. Thank you.

**SANDERS:** Thank you, Mr. Barber, for your testimony. Checking to see if there's any questions from the committee. See none. Thank you very much.

**JEFFREY BARBER:** Thank you.

**SANDERS:** Any other proponent on LR14? Any opponents on LR14? Good afternoon. Welcome.

**SHERI ST. CLAIR:** Good afternoon. Thank you. I am Sheri St. Clair, S-h-e-r-i S-t C-l-a-i-r. I'm here this afternoon speaking on behalf of the League of, League of Women Voters of Nebraska, which is an all-volunteer organization. The League has consistently testified in opposition to resolutions which would apply to Congress to call for a convention of the states, and so we are also opposed to this-- to LR14. The League is concerned that there are many unresolved questions about the powers and processes of such a convention. A number of criteria have been identified which should be met prior to calling this convention. Firstly, it should be transparent and not conducted in secret. Representation should be based on population rather than one state, one vote. Delegates should be elected rather than appointed. Voting at a constitutional convention must be by delegate. The constitution-- constitutional convention should be limited to a single topic. Only state resolutions on a single topic count when determining if a constitutional convention should be called. And lastly, the validity of state calls for an Article V constitutional convention to be determined by the most recent action of the state, knowing that some states have called for and some states have rescinded their calls for such conventions. These criteria are not yet in place, so the League of Women Voters in Nebraska urges the committee not to advance LR14. Also, we do have participation in the convention current for the next couple of years, as mentioned earlier, due to prior resolutions.

**SANDERS:** Thank you, Ms. St. Clair, for your testimony.

**SHERI ST. CLAIR:** Thank you.

**SANDERS:** Right under the clock there. Let me check to see if there's any questions. Senator Lonowski.



**LONOWSKI:** Thank you, Chair. And thank you for your testimony. After hearing all the, the expert advice on, on a convention of states, does it relieve any of your fears or--

**SHERI ST. CLAIR:** No.

**LONOWSKI:** --any of your concerns?

**SHERI ST. CLAIR:** No. It should still-- I still feel-- we still feel it should still be a single topic, rather than multiple topics. And there's some basic rules, I think, that need to be set prior to people going into such a convention, and I don't see that those rules have been agreed upon.

**LONOWSKI:** OK.

**SANDERS:** Any other questions for Ms. St. Clair? I see none. Thank you for your testimony.

**SHERI ST. CLAIR:** Thank you.

**SANDERS:** Any other opponents for LR14? Welcome.

**ALLAN EUREK:** My name is Allan Eurek, spelled A-l-l-a-n E-u-r-e-k. I am a member of-- or a resident of District 27. I'm here testifying on my own behalf. I'm a retired lawyer, and I have some interest in the Constitution because I have been a previous candidate for attorney general in this state in 1990 and again in 2014, but I'm not testifying here as a partisan at all. And like Mr. Blomstedt earlier, I, I really don't know if I'm an opponent or a neutral, but I'm here to, I guess, give a cautionary tale to the, to the committee about going forward with this resolution. Because it is and I've, I've paid particular attention to Mr. Lippincott and the testimony of Mr. Merkle [SIC]. And if, if the world was only as we wished it would be, what they said would be fantastic, because it, it does give what Congress, the constitutional provision, the Supreme Court have not given us is some, some procedure on how this thing should be implemented. And that's what creates the scare, the runaway, all the worry about what this could involve. And we do have and we know that in this process under Article V we are going to have, first of all, applications that have to be determined to be valid from the, the number-- the 34 states. Who's going to sort those out? Who's going to look at them? There are law review articles that say there's numerous possibilities. If you put an amendment in and you take it out, is it valid? Can you put in, can you put in a, a pre-- a specific provision like these 2-- like LR14 and LR21 do, about a specific thing you want the, the



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convention to hear and, and will it still, will it still be valid? Who counts it? Who says yes? Who says no? On, on the tail end, there have been-- there has been some litigation. The Supreme Court has said, oh, we're going to stay out of that. Maybe Congress has the power. I didn't hear anybody here say a lot of, of-- beneficial about Congress. Do we really want Congress to say, yeah, these are all valid. Let's vote on it, or do we really want Congress to say, you know, you didn't, you didn't meet the, you didn't meet the bar. We're not going to send it to the states. What kind of, what kind of litigation happens then? There's so many uncertainties that I guess I would say, like the doctors do, first, do no harm. And I could make some recommendations, but I, I don't know that anybody knows what should be done. I thank you for your time.

**SANDERS:** Thank you, Mr. Eurek, for your testimony. Let me check to see if there are any questions from the committee. See none. Thank you, again.

**ALLAN EUREK:** Thank you.

**SANDERS:** Any other opponents for LR14? Welcome.

**GAVIN GEIS:** Hello. Chairwoman Sanders, members of the committee, my name is Gavin Geis. That is spelled G-a-v-i-n G-e-i-s, and I'm the executive director for Common Cause Nebraska. Common Cause opposes LR14 because we have concerns about the Article V convention process. We also believe there are elements of the previous bill, LR14, that should be retained. The bill this is repeat-- replacing, LR14, as has been mentioned, contains a sunset provision. We think that sunset provision is worth keeping for every piece of Article V legislation that is ever proposed. If we look at Nebraska's books, there are 9 resolutions for an Article V convention that are on the books going back to 1893. That includes calling for amendments on polygamy, on a balanced budget, on direct election of senators. In short, these things just stay on the books until something is done about them. They don't go away. We think that the better thing than just letting them sit there, is to always attach a sunset provision to ensure that these issues are being debated and redebated over the years. We believe that's good governance, because what's good this year for Nebraska in a decade may not be. And in 40 years, who knows how relevant it even is. I will note here, we have tried in the past to rescind these very, very old resolutions simply to clear the books, and there is no energy for that. There's no energy for that, because opponents don't want to establish the precedent that these can be rescinded. They want them to remain on the books. So I would encourage you to retain a sunset



provision any time one of these is being introduced. The other reason we oppose LR14 is because we believe the call is simply too expansive. What would not be included? What could not be included in a convention to limit the power and jurisdiction of the federal government? That is a big category of items. What constitutional rights would we be debating? Could we talk about giving states the ability to regulate political and religious expression? Is that on the table? Maybe it wouldn't pass, but is it on the table under that call? How about removing Fourth Amendment protections against government intrusion into our private lives? Is that on the table for debate in a resolution, in a convention called-- under that heading? We think it's a very, very broad call that could very well include those items. We don't think those are things that any Nebraskans or any Americans really want to talk about. So if we're going to talk about this and we're going to put resolutions out there that are going to sit on the books forever, they certainly should not be expansive, broad calls that bring into account every single constitutional right that we all agree on, but still, do we want to be debating the First Amendment? Do we want to be debating the Second Amendment, the Fourth Amendment, and so on? So for those reasons and others, but for those in particular, Common Cause opposes LR14 and we urge you to do the same, to reject it. Thank you very much for your time.

**SANDERS:** Thank you, Mr. Geis. Checking to see if there's any questions from the committee. Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. Thanks for being here, Mr. Geis. First, I got to know which side of polygamy were we on in that amendment?

**GAVIN GEIS:** What's that?

**J. CAVANAUGH:** Which side of polygamy [INAUDIBLE]?

**GAVIN GEIS:** We were against it. We don't want it.

**J. CAVANAUGH:** OK.

**GAVIN GEIS:** We don't. Yeah, we're not pro-polygamy.

**J. CAVANAUGH:** So you hit on one of the things I've been thinking about in, in this conversation is in that-- it's that particular section about restricting the, the federal authority. And you, of course, hit on what I was thinking, which is I appreciate some of the protections that the federal government affords me as opposed to the state of Nebraska. Right?



**GAVIN GEIS:** Right.

**J. CAVANAUGH:** It protects me against it. But the one thing I did want to ask you about, since you're from Common Cause, is do you think that under this we could get a campaign finance limitation or do we need a different convention of states?

**GAVIN GEIS:** Honestly, we probably do need a different-- I would agree with Mr. Meckler that that does not fall within the provisions of limiting the federal government. That's a whole different thing. But I would also oppose, as much as I want to limit campaign finance contributions, we would oppose that call as well, for many of the reasons that have been brought up today.

**J. CAVANAUGH:** OK. Thanks.

**GAVIN GEIS:** Yes.

**SANDERS:** Other questions from the committee? See none. Thank you for your testimony.

**GAVIN GEIS:** Thank you very much.

**SANDERS:** Are there any other opponents on LR14? Good afternoon. Welcome.

**JOHN WALZ:** Good afternoon. My name is John Walz, J-o-h-n W-a-l-z. And I sure appreciate each one of you senators for your attention and your consideration here. This is straight off the National Archives website. The federal convention convened in the Statehouse Independence Hall in Philadelphia on May 14, 1787, to revise the Articles of Confederation. Through discussion and debate, debate, it became clear by mid-June that rather than amending the, the existing articles, the convention would draft an entirely new frame of government. There's 2 ways that you can destroy the United States overnight. And this is my opinion. The first thing is, is enough stolen elections, and the second thing is, is a constitutional convention. And I can, I can sympathize with-- a lot of the people that are part of the COS movement are, are friends of mine, and I sympathize with what they long for. They're looking for a correction in, in, in a runaway government, a federal government. And what they want to do is they want to, they want to alter a constitution. And even if they could limit it to the amendments that they want to, why do they think the federal government is going to abide by amendments to a constitution when they don't abide by the Constitution now? Right? The COS-- well, it used to be-- they called it the



constitutional convention back in the '70s, '70s and '80s. It's the same thing. And you're talking about money from like, David Rockefeller. George Soros was a big proponent of the, of the COS and contributed to the COS up until 2016 or '18. That's the last I could see it-- to push this agenda for globalism, to destroy the United States. Since 19-9-- since 1972, there's been a big push. And in '72-- in the '70s and '80s, they had 32 states that had signed on for an application for a constitutional convention. They were 2 states away. And through education, education campaigns, not only to the public but to state legislators, states started rescinding those applications because they realized how serious this was. It would destroy the United States. The COS, that movement be-- came about under the guise of a different thing than constitutional convention. But if you read through Article V, which has been in existence in almost 240 years, it hasn't changed. As a matter of fact, Article V, what it states is the Congress on the application of legislators if two-thirds of the several states shall call a convention-- that's all it states. So what happens is, is two-thirds of the states call for a convention, who sets up all of the rules? Mr. Meckler was incorrect. That all falls back to Article I, Section 8, Clause 18 of the Constitution, that's-- that Congress sets all of the rules for a convention. Who the delegates are, how many states get whatever they want. I could go on and on. I got all kinds of responses, but--

**SANDERS:** Thank you, Mr. Walz.

**JOHN WALZ:** Yes.

**SANDERS:** Do you want to just finish up your thought?

**JOHN WALZ:** Oh, I-- there's only-- there's never been a constitutional convention under our current United States Constitution. There's one thing I think is very important here. And if you look at, like, the New York, New York assembly appointment to the-- for the delegates, and all of the states were the same. This is quote, for the sole and express purpose of reverse-- revising the artic-- Articles of Confederation and reporting to Congress and to the several legislators. Article 13 under the Articles of Confederation stated that every, every amendment, every revision to the Articles of Confederation, it had to be unanimous consent with all of the states. What they did in the convention, they altered those rules. Rhode Island never even sent any delegates to the convention. They didn't think they-- they weren't-- they didn't care. But nothing does not change. Well, they altered to the rules so it would be three-quarters would have to ratify, and that's how we got our U.S. Constitution.



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There's nothing to change a constitutional conv-- there's nothing to stop a constitutional convention now from saying 51%, or they could even say 25%. They can do whatever they want. That's the point. And it's not a matter of hype-- hypotheticals. It's already proven. It's all-- we've already went through it in history. Now, thank God it's 1787. We had godly men that were very selfless, cared about our Constitution. Do you think that today, we would be able to find enough delegates that wouldn't go in there with \$100,000 and come out of there as billionaires because they sold everything. They sold all our freedoms down the road? We need to scrap this whole idea of entering a new convention. Sorry. I went over

**SANDERS:** Thank you, Mr. Waltz, for your testimony. Hold on. Let me check to see if there's any questions from the committee. Senator Lonowski.

**LONOWSKI:** Thank you, Chair. And thank you for your testimony, Mr. Walz. So, I can see your concerns that, that things might not go as, as we think they should. Don't you have the equal concerns as how it's going now and we're trillions and trillions of dollars in debt and we can't balance our budget, and we have billionaires that are congressmen on \$200,000 salaries?

**JOHN WALZ:** Like I said, they don't abide by the Constitution now. They're not going to abide by further amendments, even if you were able to just stick with the amendments that you want to. This is-- you're not going to like this part of the answer. The reason that they're at right now is not only because of the federal government, but it's because of the state legislators. That they allow it to happen. The state of Nebraska is its own sovereign. And if you look here, and you know this, the federal government has very limited responsibilities-- enumerated, very limited. And then on top of that, you've got the Tenth Amendment. Use that. Pass legislation. Say anything that's not constitutional-- create a-- like a DOGE committee or something. Anything that the federal government's doing, if it doesn't fall within the constitutionally-enumerated powers of the federal government, we don't participate, we don't fund, we don't do anything. We ignore it. It happens all the time. It's called nullification. That's the power that you have.

**LONOWSKI:** Thank you.

**SANDERS:** Thank you. Any other questions? See none. Thank you for your testimony.



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**JOHN WALZ:** Yes, ma'am.

**SANDERS:** Any other opposition to LR14? Welcome.

**WES DODGE:** Good afternoon. My name is Wes Dodge. Dodge is D-o-d-g-e. I'm with Represent Us. I'm also on the board of Common Cause, and I'm the vice president of Better Balance Nebraska. All of those are volunteer. Nobody's giving me any money for any of this stuff I do as far as this is concerned. And just-- I, I was, I was kind of entertained. I was curious if Mr. Meckler testified that Mr. Clark might be the most powerful person in this room when he was talking about bureaucrats being here for a long time. But in the handout I've given you, I, I started it with Article V because there's been a lot of reference to it, and I'm, I'm hoping you've looked at it. But, you know, when I went to law school, we learned about the Supremacy Clause. I actually learned about it in civics in high school. And when we're doing these things with the state, I think ultimately when we get to some sort of dispute at the federal level, the Supremacy Clause is going to take control and they're going to say, hey, Article V takes control. So if Article V takes control, we can do whatever we want to do, meaning-- we meaning whoever these people are at this, this convention. Because Article V does not say things about specifics, that we can limit what we're dealing with. The other thing I'm curious about is if we're trying to limit through our legislation, and I don't know if all these other states that have passed it-- I think it was said 19. I can't remember exactly how many. Does, does their language match exactly the language we have? That would probably be the only way I can see around, maybe, the, the issues with the Supremacy Clause. Then, then there's something from a constitutional perspective that kind of scares me, and it kind of, kind of reaches into some of our representative problems we have right now, is that's that step 2, after they pass an amendment. So we get three-quarters of the states to say, let's have a convention. And then they say we want these amendments. And then when we send these amendments down, we only need 26 states to vote for those amendments that would get passed. And I like listening to the other testimony because it piques my interest. And I got out my phone and did the math and I looked some things up. 20-- the 26 least populated states in the United States have about 18 million people. We have 340 million people in the United States. So then I did the math. That means that it's possible that we could have amendments passed using this system rep-- that, that states who only represent 5.5% of the population can make us live under amendments that, that do that. I see the light is yellow. But as I looked at this in other ways, like Senator Lonowski, we've already got things that are sitting out there that deal with the budget. You know, we can deal



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with those individual issue things. We've already got things out there that deal with term limits. We can deal with those. We don't need this all encompassing aspect of this in order to do these things. And then nobody's really addressed it, but if you dig a little deeper, there's a lot of money being thrown at this now. The convention states people say, hey, we're all volunteers, and I'm sure they are, and I'm sure they're all good-hearted, sincere people. But when you look around, there's a lot of money from a lot of people out there that want things, like they want the judiciary to be controlled. I don't know if you want me to--

**SANDERS:** Just wrap that thought up.

**WES DODGE:** OK. They want the judiciary to be controlled, and they want to do anything they can to limit taxes. And, you know, given those circumstances and the money behind it, I'm just always-- you know, when big money gets in it, I'm, I'm just really curious about what their real motives are.

**SANDERS:** Let me check to see if there are any questions from the committee. I see none. Thank you for your testimony.

**WES DODGE:** Thank you.

**SANDERS:** Any other opposition on LR14? Welcome back.

**KATHY WILMOT:** Thank you very much. Kathy Wilmot, K-a-t-h-y W-i-l-m-o-t. I've been waiting for the smoke alarm to go on. There's been so much smoke blowing here going on, and I was so glad to hear some of the good research, someone researching other than COS materials. LR14 was originally passed in 2022. There was a lot of dealing going on, and finally they even had to suspend the rules to get that thing passed. And now we're back here, 2 years later, trying to renege on that particular agreement of the sunset. LR14 lists many declarations in a misguided attempt to tell Congress what it can and cannot do, one of which is each state will only have one vote. Article V does not tell us how many delegates, doesn't tell us how the whole thing's going to go. You've been hearing that. Between 1973 and 1992, 22 bills were introduced in the U.S. House and 19 in the U.S. Senate that sought to establish a procedural framework that would apply to an Article V convention. The Senate passed what's called the Federal Constitutional Convention Procedures Act on 2 separate occasions, and one was in '71, one, '72-- or excuse me, in 1883. And the source for that is the Congressional Research Services document. And in those bills, it called for propose-- proportional representation, not one



state, one vote. And how many of-- how would our 5 electoral votes stand up against California's 54 votes? Advocates of a convention, because of their frustration, have introduced a new way of counting Article V applications. In the past, we've always been told it has to be a single subject. But now, in The COS Pocket Guide and at their mock conventions, they have suggested dozens of subjects that would supposedly fall under this umbrella language that they have in their proposals-- impose, impose fiscal restraints on the federal government and to limit the power and jurisdiction of the federal government. Certainly, limiting the power and jurisdiction of the federal government, we need to do something, but we've got the words in the Constitution. Now, we just fail to hold their feet to the fire. Also, the American Constitution Foundation, in their study on how to achieve an unlimited general constitutional convention under Article V of the U.S. Constitution, came up with a new way of counting applications. That group has linked together applications as diverse as the anti-polygamy that you heard about and the convention of states project, the balanced budget amendment, and applications trying to avert the Civil War, which I thought we were past that point. And it is astonishing to me that the ACF's white paper on the Article V General Convention of States, they combine Article V applications from the states to Congress from the year of 1789, up to some of the most recent applications in order to achieve their stated goal. Their new way of counting is useful in achieving the ultimate goal of an unlimited general Article V convention. And I just ask you, please protect our Constitution. I've been studying this since the late teen '80s, when then Governor Leavitt of Utah and Governor Ben Nelson of Nebraska was calling for this convention. It's very dangerous.

**SANDERS:** Thank you, Ms. Wil--

**KATHY WILMOT:** Thank you.

**SANDERS:** --Wilmot. Let's see if there's any questions from the committee. Senator Cavanagh.

**J. CAVANAUGH:** Thank you, Chair. And thanks for being here, Ms. Wilmot. I think you kind of-- you might have-- in the interest of time, skipped over a part that I thought was interesting in your testimony. Could you elaborate on the limitation of the federal government and the Supreme Court's decisions that have struck down restrictive gun legislation?

**KATHY WILMOT:** Yeah. We have-- I think it is Hawaii. And then most recently, California has made a call to restrict and get rid of pretty



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much the whole Second Amendment, which, quite frankly, you were warned about all this opposition coming forward with these wild ideas. But, you know, we had been saying probably for 25 years, and I forgot to mention I was representing Nebraska Eagle Forum. But we've been warning people. This can be anything. And, you know, we have a lot of hunters and everybody here in Nebraska. We happen to be some of them and we appreciate our firearms. We also know that's why that right was given to us, not just the hunt but to protect ourselves. And so that's something that, that could fall under here, too. And yes, I was getting a little worried about my time because I was tongue-twisting pretty bad.

**J. CAVANAUGH:** It's, it's tough to get it in in under 3 minutes, but thanks for being here.

**KATHY WILMOT:** Thank you.

**SANDERS:** Thank you. Any other questions? Mr. Guereca. Senator Guereca.

**GUERECA:** Thank you for being here, Ms. Wilmot. The- we're talking about an organization's way of counting the, the, the calls, right. It said the earliest one of them was 1700s. What organization was that again?

**KATHY WILMOT:** Oh, that particular group? Let me look if I can see--

**GUERECA:** Oh, it's in your testimony.

**KATHY WILMOT:** Oh, yeah. Yeah. It's-- I think-- I don't know that I mentioned an organi-- oh, I did, too. American Constitution Foundation.

**GUERECA:** So do you know how the, the-- who, who counts the calls for this con--

**KATHY WILMOT:** No. And, and that's what was so refreshing with some of the-- I can't remember the gentleman's name that came up and testified. You know, he was finally honest. If everybody would be honest in this room, nobody knows. Those are some of the details. No one knows. And the only other time we saw it happen was 1787, and they were given the Articles of Confederation. They were supposed to tweak them. There were things that weren't perfect, and, and they were to fix those. And it was a requirement for 13 of 13 colonies to approve. And look what happened? And so, yeah, we always get told, by gosh, do you really think 38 states would vote for something bad? You're darn right I do, because you have no guarantee that that isn't one of the



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articles that they're going to open up. In fact, Robert Kelly, general counsel for Convention of States-- I have a video. And he admitted it is a broad call. Those are his exact words. He also stated that basically, it opens every section of our Constitution. That's the concern. And when their own general counsel, which, by the way, they didn't fire him when he said that. He is still general counsel for Convention of States. So that's still the mentality, that's still the thought process, and that's the reality we need to understand. We're all-- and you know, I told you what isn't going to work. And I'll tell you, I don't know how this thing would come out. And I wish that they would all be honest and tell you they don't have any idea, either. They have a lot of pipe dreams. They have-- and again, many of the people on that side are friends that I've worked with on many issues for probably 30 years now. And I know they mean well. I know, but they're grasping at straws and we better be honest with ourselves and admit that.

**GUERECAL:** Thank you.

**KATHY WILMOT:** Thank you.

**SANDERS:** Any other questions? See none. Thank you, Ms. Wilmot.

**KATHY WILMOT:** Thank you.

**SANDERS:** Any other opponents for LR14? Good afternoon. Welcome.

**JERRY ARNOLD:** Good afternoon, and thank you to the chair and the committee. My name is Jerry Arnold, J-e-r-r-y A-r-n-o-l-d. I'm here in opposition to this motion. Many of the proponents this afternoon have alluded to the fact that, that this convention would be very limited in scope. And so one question I have is if it's, if it is so limited, why is there the urgency or the need to circumvent the normal amendment process to, to call a convention? If that was the case, then why don't we just go through the, the regular process? Another concern I have is that one of the earlier speakers alluded to the fact that people could always raise their hand and vote to change, and the way I interpreted that was he was raising the possibility that once they arrive at the convention, they could vote to change the scope and to change the, the, the nature of why they were there. And I just have very real concerns that I think the, the Constitution that we have has served us pretty well for 250 years, and I hate to see us open up the possibility that we could throw that out the window and come up with a convention that, that was not limited in scope. And I'm hearing a lot of concerns about the process, and, you know, the uncertainty about



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the nature of a convention and who would control that. And I just think that if we open that-- up that possibility, we're opening ourselves up to, to changes, that maybe none of us would be very well certified. And I hate to see our government going in a, in a direction that would not continue to serve the people of this country. Thank you.

**SANDERS:** Thank you for your testimony. Check to see if there are any questions. See none. Thank you, Mr. Arnold--

**JERRY ARNOLD:** Thank you.

**SANDERS:** --for your testimony. Any other opponents on LR14? Welcome.

**WES WILMOT:** Good afternoon. My name is Wes Wilmot, W-e-s W-i-l-m-o-t. And I will start out by saying I'm not as eloquent as some of the people in my house, but I do have some points. First of all, it's sad to see what's going on here. Some outside forces have come in here and taken us somewhere that I don't really think we want to be. I've been called the opponent, the other side, and I've been told that I'm scared of the Easter Bunny. And as Nebraskans, can't we do better than that? We're all Nebraskans. We need to work through this, look at the facts and make a decision. And that's where I come from. You've got plenty of attorneys here in this building that can give you the details of how this would work. But I know that there are facts, and then there are things that are not facts. The Article V, read it. It's in one of my later testimonies. It is that. That's the only fact. The rest of this is conjecture. And I worked in the field of high-tech electronics for over 30 years. And I know that if I'm going to put wire A and hole B, I better know what's going to happen. You know, I don't want conjecture. I want somebody that knows how that works or otherwise, I'm going to ruin a lot of people's days and your phones won't work. So anyway, the facts are the facts and everything else is not facts. Also, I, I don't understand why this-- all of a sudden, this intense-- intensity to do this now. It's got a sunset clause coming. And some of you in this room made the promise to look to that-- for that sunset to be there because this wouldn't have passed when it did otherwise. It was real obvious. You broke the rules to even get it, and the sunset was the thing that, that made it happen. And now, you're gonna turn your-- some of you weren't here, I know, so you're not compelled to stand by that, but some of you were. And I think-- you know, to turn your back on those people, I, I hope they can still work with you, but just to out and out turn your back on somebody that believed something you told them, I think that's sad. Anyway, either way, you know that you go with this and if you do pass



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it, I do hope that maybe, in a few years, some more members will come in that aren't compelled to follow what you did, and they do away with this altogether. Anyway.

**SANDERS:** Thank you, Mr. Wilmot, for your testimony. Are there any questions from the committee? I see none. Thank you very much. Any other opposition to LR14? Welcome.

**SPENCER RICE:** Thank you. My name is Spencer Rice, S-p-e-n-c-e-r R-i-c-e. I'm here just on behalf of myself in opposition. When I came in, I really wasn't concerned about the technicalities of the constitutional convention, although I-- I'm starting to have a little bit more on that, but that's not really where my concerns are. My concerns are more that the points of the convention that is called just seem to be a tourniquet for a cut. We have the mechanisms to deal with these issues. The voters-- it's, it's on the voters. We need to be picking better Representatives and Congressmen and whatnot, to reining it in, and that's, that's an easy thing to say. And to that, that's why I say our efforts should be better on combating lobbying and gerrymandering and eliminating first past the post voting to get rid of or to hopefully alleviate our two-party system that our first president warned us against. I said that limiting the federal-- the power of the federal government, whenever I hear stuff like that, I just remember that, thank goodness I was born a man and I was born white. I don't need the federal government to protect my rights. Ruby Bridges is still alive. If it wasn't for the federal government, she wouldn't have gotten into that school. I wouldn't-- I probably wouldn't have been going to school that was probably 50% black. And who knows who I would have served, served with in the Navy. There are problems with the, with the budget, and there are many people who deal with the federal government in ways most people don't, and I'm sure that bureaucracy is quite intimidating and obtuse, sometimes. And these things should be addressed. And to that, when people mentioned how great it was back in the '50s or '60s, they talk about spending running away. The thing I never really hear about is how corporate taxes have fallen, and taxes on the higher have come down to where the rest of us are paying. And there's a, there's a time and place for a debate about what is fair and, and whatnot, but it just seems like we, we miss those considerations, as well. Those are kind of just my general-- my more major concerns about it. Thank you.

**ANDERSEN:** Thank you, Mr. Rice, for your testimony. Are there any questions? Seeing none, thank you very much.

**SPENCER RICE:** Thank you.



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**ANDERSEN:** Is there anybody else here to testify in opposition to this bill? Seeing none, is there anybody in the neutral position? Seeing none, Senator Lippincott, you're cleared to come back up. While he's advancing, the-- in the record, were 52 proponents, 38 opponents, and zero neutral. Senator Lippincott, welcome back. The floor is all yours.

**LIPPINCOTT:** Thank you, sir. A number of years ago-- I ran for this position 3 years ago, and I didn't know much about convention of states and-- a little bit like Senator Lonowski there. And so I kind of thought, why try to fix something's broken? Constitution seemed to be working pretty well right now, so why mess with it? That was my thoughts. And I remember picking up a convention of states booklet at the State Fair, and I read through it. And of course, obviously, it's printed by the Convention of State folks, so I got their side of it. But listening to the opponents, I, I think it's very wise to have the other side to get both sides of the issue and to be cautious. There's nothing wrong with that. In fact, there's everything right with it. That's why there has to be so many hoops that we have to jump through before this comes to fruition. 34 states, we're 19 right now. So more people look at, evaluate, think about this whole process. And of course, once that happens-- and we've already talked about this. I don't need to repeat myself, but then it goes through another process where 38 states have to agree to it. One thing I noticed in walking around for campaigning is the wisdom of the common folks. And I think Senator Hunt just talked about 290 people in your district signed on to this. Is that right? Is that what the figure was? It was something like that, whatever you mentioned. Yeah. But it's interesting to note, right now, that 86% of Democrats that are polled support this-- or they support term limits, more correctly, 90% of Republicans. So the question then becomes, who sets the rules for Congress, because they don't seem to be coloring inside the lines for spending, for instance. \$36 trillion debt, it just continues to go more and more. Term limits, spending, and the size of government, it's all about accountability and transparency. And this is something, this movement, convention of states is like the barking dog nipping at the heels of Congress, saying you need to do something because right now, you're not. So that's how the Bill of Rights came into being, by external dogs biting at the heels of the-- of Congress. The Seventeenth Amendment also was brought about that way. So in essence, hopefully, this will bring about action in Washington D.C., to bring about change.

**ANDERSEN:** Thank you, Senator Lippincott. Any-- Senator Lonowski.



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**LONOWSKI:** Thank you, Vice Chair. Thank you, Senator Lippincott. I have about 3 or 4 questions here that I hope you can answer. So first of all, when are the articles determined and who determines those articles?

**LIPPINCOTT:** Well, again, once the 2/3 of the states, they say these are the 3 broad areas that we need to talk about. And then once the 2/3 agree to that, like we talked about with John Cavanaugh over there, Senator, then they meet and we just use the example of Omaha would be the meeting place. So at that point, that's where they get down into the specifics as to what is going to be voted on by 38 states, 3/4, at that point.

**LONOWSKI:** OK. Is the delegate bound to vote correctly? Do they have to follow the wishes of their constituents or can they--

**LIPPINCOTT:** They do. I believe it's-- I think it is a felony if they violate that.

**LONOWSKI:** OK. OK.

**LIPPINCOTT:** And each state gets one vote. They can send, just like we talked about a few moments ago, they can send 100 people to Omaha in the example that we used, but Nebraska, along with all 50 states, only get one vote per state.

**LONOWSKI:** Thank you, Senator.

**LIPPINCOTT:** Thank you, sir.

**ANDERSEN:** Any other questions? Senator Guereca.

**GUERECA:** What is the delegate selection process?

**LIPPINCOTT:** The legislative body has to determine that.

**GUERECA:** So in other words--

**LIPPINCOTT:** They, they, they could say you're our guy.

**GUERECA:** So every state decides their own.

**LIPPINCOTT:** Their own. Correct. That is correct. Yes.

**GUERECA:** I guess I wasn't aware there was already a call that the state had done. When is the current sunset on that call?



**LIPPINCOTT:** It's February 1, 2027. Correct. 1 February 2027.

**GUERECA:** You quote the number, the 9-- they're already at 19 other calls.

**LIPPINCOTT:** Yes.

**GUERECA:** What's the earliest one?

**LIPPINCOTT:** I do not know.

**MARK MECKLER:** 2013 was the first one.

**GUERECA:** OK.

**LIPPINCOTT:** Yeah.

**GUERECA:** Yeah, I, I guess I have concerns on sort of the lack of structure of how it would go should a convention be called. Who count-- who counts the applications? Once we're in the room, who runs the meeting? Who counts the meeting, who determines that we got to 50? So is that-- is there a structure in the, in the Constitution that outlines all these provisions on procedures of how the convention is ran?

**LIPPINCOTT:** No. There, there is not a written structure at this moment.

**GUERECA:** OK. All right. Thank you.

**ANDERSEN:** Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Vice Chair. Thanks, Senator Lippincott. It's been a very interesting conversation. I have a couple similar questions. Just looking at the, the resolution as it is, I'm trying to figure out where it says that it's by a majority in-- within the, the body once constituted. Do you know-- am I missing that or--

**LIPPINCOTT:** Say again the question.

**J. CAVANAUGH:** So you're saying-- so it takes 34 states to call a convention. Is that right?

**LIPPINCOTT:** Yes. Correct.

**J. CAVANAUGH:** And then once the convention is called, under-- what you're saying is that this resolution, if 34 states adopt it, then the



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states can send however many delegates they want. And if we host in Omaha, the more the merrier, but-- for hotel room purposes. But then each state only gets one vote. Is that in the resolution here?

**LIPPINCOTT:** Yeah.

**J. CAVANAUGH:** OK. And then Ms. Wilmot mentioned-- made reference to the federal Constitutional Conventions Procedure Act that was passed, it looks like, in '71 and '83. I, I guess I'm trying to understand how-- and it, it does say in here that Congress has no other authority other than ministerial. But I guess-- I think there's-- Congress has already taken that action. So it's not that they're going to take any new action. They've already taken the action. When we adopt this resolution, it's with the understanding that Congress has already set out these rules. So why are we not going to be held to those rules?

**LIPPINCOTT:** You mean once we meet after the-- like in Omaha, for instance? Is that what you're talking about?

**J. CAVANAUGH:** Well, the resolution says Congress will have no more authority, no authority other than ministerial, to call it.

**LIPPINCOTT:** Correct.

**J. CAVANAUGH:** And I guess my question is, it sounds like it may be I'm, I'm wrong about this, based off-- I, I don't know this. This is what-- Ms., Ms. Wilmot's testimony. But if Congress has already adopted this procedure, isn't, isn't the convention going to be held to that previously adopted procedure?

**LIPPINCOTT:** All Congress, only thing that they could do is they can say the location and the time.

**J. CAVANAUGH:** OK.

**LIPPINCOTT:** Yeah. That's it. Otherwise, they're--

**J. CAVANAUGH:** In Article V-- by the way, this website's great. I was looking through it a lot. I apologize if I was distracted because the website is great, for convention of states. It has all the states on there and the dates. But it has Article V on there, and I took a look at it. It doesn't specify any of these things. And that's what a lot of the fears people are talking about. But it specifically doesn't specify that the convention would have to be one state, one vote. Right? The adoption of the, of the, the amendments is said in Article V, and adoption of the resolutions is set in Article V, but the actual



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kicking out of that resolution doesn't have to be by one state, one vote, right?

**LIPPINCOTT:** One vote per state.

**J. CAVANAUGH:** Well, I guess my reading of Article V would be-- I would argue that that doesn't say that in Article V. And so, my question would be why, why, why would we say that it's one person, one vote? As-- I can't remember if Mr. Dodge maybe said that it would be-- 18 million people would be represented by the smallest 38 states.

**LIPPINCOTT:** I don't want to mislead you, but I-- I'm quite certain that I read it's one vote per state, 50 votes. That's it. No more than that.

**J. CAVANAUGH:** OK. I-- well, I appreciate this [INAUDIBLE] conversation. Thanks.

**ANDERSEN:** Any other questions? Thank you, Senator Lippincott, for your time. That concludes our hearing on LR14. And we will proceed onto LB359.

**SANDERS:** Let's check real quick. Julie, you need a 10-minute break?

**ANDERSEN:** LB259.

**SANDERS:** Right. We'll now begin the hearing for LB259, Senator Lippincott. Welcome back.

**LIPPINCOTT:** Thank you.

**SANDERS:** Please.

**LIPPINCOTT:** Thank you, Chairman Sanders and Government and Military Affairs Committee [SIC], my name is Loren Lippincott, L-o-r-e-n L-i-p-p-i-n-c-o-t-t, and I do represent District 34. And thank you to the 15 co-sponsors of this bill. LB259 is a companion bill to LR14 that we just heard, convention of states. This is the bill that would put even more guardrails in place when we send a delegate to the convention of states. It provides rules and procedures necessary to create and guide a delegation to an Article V convention. Let's go through the bill step by step. (1) A thing that is being said, that an unelected person would represent Nebraska. That is not true. What is true is the delegate would-- that would attend such a convention would be a member of the Legislature, elected by the Legislature to represent the state of Nebraska at the convention. It gives freedom to



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allow for an alternate delegate who would also be elected to serve. Section 4 (2) outlines this exactly and says, quote, The Committee on Committees of the Legislature shall, by majority vote of all committee members, nominate one delegate and one alternate delegate from each legislative caucus and submit a report of the nominations to the Legislature for approval. If the Legislature does not adopt the report by a majority vote of all members, the Committee on Committees shall prepare another report. Service as a delegate to such a convention would be an additional duty of the legislative office. Section 4 (6) goes on to talk about pairing a delegate with an alternate. Another thing that's been talked about, delegates can be paid to perform this duty. That is not true. What is true is Section 5, they can be reimbursed for expenses incurred, but cannot be compensated or paid to be a delegate and they cannot receive gifts from the lobbyists in the state, lobbyists in other states, or lobbyists for the House or Senate. It would be a Class III misdemeanor if intentionally violated. Section 6 outlines the oath the delegates would take. What has been said is that delegates can vote however they want so how can we trust them? What is true is Section 9 explicitly states that an unauthorized vote is a vote by a delegate at an Article V convention that: (1) is contrary to the instruction adopted by the Legislature; (2) exceeds the scope of the subject matter of the convention authorized by the Legislature; sub-point (a) If someone voted in a manner that was against what the Legislature directed, that member would be disqualified to continue to serve. The determination that a vote is considered unauthorized would be made by the Legislature or by the advisory committee created in Section 11. Again, LB259 is important to create trust in the process and to provide for penalties and clear outlines of what can and cannot be done. I do have people behind me who can answer further questions if needed.

**SANDERS:** Thank you, Senator Lippincott. Are there any questions on LB259 from the committee? I see none. And you will stay to close?

**LIPPINCOTT:** I will.

**SANDERS:** Thank you very much.

**LIPPINCOTT:** Thank you.

**SANDERS:** Any proponents on LB259? Welcome back.

**MARK MECKLER:** Thank you, Madam Chairwoman. Again, my name is Mark Meckler, M-a-r-k M-e-c-k-l-e-r, and I represent Convention of States. I'm a resident of Texas. I am here to testify strongly in favor of



this measure, but not because I believe it's necessary. And I want to clarify what I mean by that. Under the simple laws of agency, this Legislature has absolute, complete, and total control over their delegates or commissioners. When you hire somebody or when you appoint somebody to act in your stead, every lawyer, every business person on this committee knows that they act only with the authority that you grant them. You do and you will grant your commissioners or your representatives at this convention a particular amount of authority and no more. If they act outside of that authority, anything they do is null and void. It's not simply reversible, but it's null and void because they are acting as your agent and they're acting outside the scope of their authority. This is important to give people comfort who might otherwise be uncomfortable about this process. But I don't believe legally that it's necessary. There are many things about this process that we know that we don't state, because we have a long history and practice of this process in the United States of America. There were 11 conventions before 1787. There have been 30 interstate conventions that we're aware of since 1787. Delegates are commissioned. We have no history that anybody is aware of in all of these conventions in the United States of America, of a convention that exceeded its mandate. And, and by the way, just to correct the record, I think this is really important, the 1787 convention has been definitively researched in the Law Review article by Michael Farris. It was not a runaway convention. They all had the authority. What's been quoted here is something that Congress did after 7 states already designated their commissioners to convention and gave them full authority to do anything and everything necessary to render the federal Constitution adequate for the circumstances of the time, for the exigencies of the time. That's relevant in this moment, because people are talking about their fear that there's going to be a runaway convention. That's why we need this particular piece of legislation. I believe it's 16 states have now passed similar pieces of legislation to this. I am strongly in favor of them if they give people comfort. But again, I want to reiterate, I don't believe that they are legally necessary to restrain delegates to a convention. Happy to take questions.

**SANDERS:** Thank you, Mr. Meckler. Let me see if there are any questions from the committee. Senator Greco-- Guereca.

**GUERECA:** Thank you for being here, sir, and for your testimony. You said that if a delegate were to take an action outside of their mandate, that the action would be null and void?

**MARK MECKLER:** That's correct.



**GUERECA:** Who nullifies?

**MARK MECKLER:** It would be nullified at convention by the 34 states that are in control. There will be a presiding officer of the convention, and they would rule that null and void. And the state could also-- you, as a Legislature, contact the convention and say, we have a delegate that's acting outside the scope of their authority and their actions are null and void.

**GUERECA:** Who, who elects the presiding officer?

**MARK MECKLER:** The presiding officer is elected by the body itself, at convention.

**GUERECA:** So what-- where do those procedures lie?

**MARK MECKLER:** I'm-- I don't understand.

**GUERECA:** [INAUDIBLE] the procedures the-- of the running of the convention.

**MARK MECKLER:** You mean the rules for the convention itself?

**GUERECA:** Sure.

**MARK MECKLER:** The rules for a convention itself, much like a legislature coming into session, will be adopted at that time by the convention. We have a pretty good idea what those will be. I can't guarantee you exactly, but we have a pretty good idea. There have been, as I said, 30 conventions since 1787, 11 before. They all operated on basically the same set of rules. My belief is it'll be a foundational set of Mason's Rules, because about 75% of legislatures operate on Mason's Rules. There'll be some edits that have to be made to those, because a convention is slightly different than a legislature.

**GUERECA:** OK. Thank you.

**SANDERS:** Any other questions? Senator Wordekemper.

**WORDEKEMPER:** Thank you, again. If we get to 38 states and they make an amendment and it says Congress has to reduce the budget, whatever they need to do. Where's the teeth in making Congress do that, or what happens if they don't do it? What if they say, oh, we don't have to do that, or what's the guidelines to that?



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**MARK MECKLER:** So I'm going to restate just to make sure I understand your question, and you let me know if I have understood your question. I do hear-- I think I hear this question a lot, which is people say, you know, Congress doesn't really follow the Constitution now, so why would they follow an amendment? Is that accurate?

**WORDEKEMPER:** Basically, or with term limits or, or whatever we set up.

**MARK MECKLER:** Yeah. Whatever, whatever it is. There's a couple of layers of answers to that. The first is and this one was pretty shocking to me when I first realized it, Congress pretty much follows the Constitution. And a lot of us might think, well, I see them do all the time things that are unconstitutional. The question is, which Constitution are we discussing? You know, we talk about a lot of us, the pocket Constitution. A lot of us carry those around, and, and we might have them on the wall in our office. Unfortunately, in-- from my perspective, that's not the Constitution we live under any longer. You can actually order the Constitution from the Government Publishing Office, the GPO. The last version is roughly 2,600 pages, almost 3,000 pages. It contains every Supreme Court decision ever issued by the United States Supreme Court. It weighs over 10 pounds. I used to travel with it, but it's kind of a beast to travel with. And so that's the Constitution they follow. And so generally speaking, anytime they pass something they put according to which part of the Constitution they're following. That's according to what I call the "courts-stitution," Court's interpretation of the Constitution. In regard to specifically, why would they follow any amendments? We have history as a guide, and we have 27 amendments to the Constitution. Largely, they're followed. I would argue, if you read judicial history-- and I've spent way too much time in law books doing that. Roughly, for 100 years, each time you have an amendment, they're followed to the letter of the law. And there's a reason for that. It's not because they're magic or they're better or they're perfectly worded. It's because this is the most muscular act in the entire system of United States governance. There's nothing that's harder to do. 34 states have to agree, two-thirds of states, to do anything, to even get together. You know how hard it is to get two-thirds of your colleagues in a single legislature to agree. Now we're talking about 34 legislatures have to agree and a majority in 34 legislatures. Then in order to ratify something, we need 38 states to ratify, which means the vast majority of the states in the United States of America have agreed upon something. I spent way too much time in D.C. unfortunately, I wouldn't describe the politicians in D.C. being the stiffest of spine. They tend to go the way that the public wind goes, and so what you have at that time is a great majority of America has



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agreed on something. And it brings up another issue, which is this issue of you could have such a small minority of the states actually approve something and amend the Constitution, that's just not practically realistic. Small states are scattered on the left and the right. If you look at the northern seaboard, you have small geographic and small population states that are what I would describe on the far left. We have small population and, and, and large geographic states in the center of the United States. You just couldn't get the small states all together to agree on something and pass something. So I think that was a fear that was expressed that's just not numerically accurate or reasonable.

**WORDEKEMPER:** Thank you.

**SANDERS:** Any other questions? Senator Cavanaugh.

**J. CAVANAUGH:** Thank you. And thanks again for being here, Mr. Meckler. Well, I did kind of want to ask a question along that. I asked Senator Lippincott--

**MARK MECKLER:** Yeah.

**J. CAVANAUGH:** --in his close about-- I'm just looking, I'm looking at your website--

**MARK MECKLER:** Yeah.

**J. CAVANAUGH:** --which, again, is a great website. And it has Article V on there. And I, I don't, I don't read it to say that the convention itself has to be one state, one vote.

**MARK MECKLER:** Correct. I would agree with you.

**J. CAVANAUGH:** OK.

**MARK MECKLER:** In your read of that-- I meant that particular article.

**J. CAVANAUGH:** So-- and again, Ms. Wilmot had in her testimony about the--

**MARK MECKLER:** Yep.

**J. CAVANAUGH:** Congress has passed those procedures that would be based off population size.

**MARK MECKLER:** Right.



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**J. CAVANAUGH:** Like, I guess I was just wondering what's the argument for why it should be one pers-- one state, one vote as opposed to one person, one vote?

**MARK MECKLER:** Sure. First, I'll address the Congressional Act. There is no such act on the books. Never been passed. Certainly, it has been discussed and debated. And Congress proposes, probably much like your Legislature, thousands of things that get discussed and never passed, that has never been passed. It's never happened. That law, quote unquote, doesn't exist on the books. And so the idea that we would be bound by something that Congress discussed at some point, but never passed, that's just simply legally incorrect. As far as the one state, one vote, if you look at the history of conventions in the United States of America and again, 11 before 1787, 30 since, they've always been one state, one vote. There was actually a single attempt in a single interstate convention that we're aware of. So prior to the Civil War or the large population states suggested, well, we're the large population states, we should have more sway in this convention. But that motion was voted on one state, one vote, and it was turned down by the smaller states. In the end, the safeguard to that, the final safeguard is the small states would leave and they would deprive the convention of a quorum, and there would be no convention of states that took place. No small state is going to have their vote cast aside by large states. And I would add one more thing that I think is really important there, which is the large states, population-wise, are divided among the parties right now. It's not like, you know, you got Texas, you've got New York, you've got California, you've got Ohio. It's a pretty amazing balance between large states and small states and how they're split between the left and the right in this country.

**J. CAVANAUGH:** Thanks.

**MARK MECKLER:** You're welcome.

**SANDERS:** Thank you. Any other questions? See none. Thank you very much.

**MARK MECKLER:** Thank you, Madam Chair.

**SANDERS:** Any other proponents on LB259? Welcome back.

**DAVID McPHILLIPS:** Thank you. My name is David McPhillips. I live in David City, Nebraska, and I speak in favor of LB259. Although I do not believe that a runaway convention is a legitimate risk to the convention of states process, I support this bill to put controls in



place to appease those who are worried about the process. I do believe the controls proposed, proposed by this bill, such as a penalty for an unauthorized vote in the formation of an advisory committee are adequate. Reasons I do not believe that the runaway convention is a legitimate risk is precedent. As some of the prior testifiers have spoke about, there were 11 conventions before 1787 and there were 30 interstate conventions after. So much like we do in the courts, there is precedent to look to see how things have worked in the past, so we can look back to these prior conventions to see how this future convention will work. I heard a concern about Article V not spelling out exactly how the convention should work, such as one state, one vote. I guess I look at the Due Process Clause in the Constitution, and it does not spell out everything that a due-- the due process rights should entitle a citizen to. So there, you look to the past, and common law, and how things of that sort have worked over time, and then just using, using common sense. You know, this is a convention of states. Each state is going to the convention. There's no reason that California should get 50 votes and Nebraska should only get one. It's a convention of states. The states are operating as a single unit in this process. And again, I, I thank you for your time and I ask you to please support LB259. Thank you.

**SANDERS:** Thank you, Mr. McPhillips. Let's see if there's any questions from the committee. See none. Thank you. Any other proponents on LB259? Welcome back.

**GUY MOCKELMAN:** Thank you. I'm gonna be used to the chair this time. Sorry. My name is Guy, G-u-y, Mockelman, M-o-c-k-e-l-m-a-n. I, I am of the same opinion that, you know, this isn't legally necessary, but it, I think, serves 2 purposes. It's (1) to allay concerns that may be there. But (2) also, just like LB662, it's good to have your ducks in a row ahead of events. And so, it does allow you then to set what rules you're going to select your delegates through, I think, in my reading. I'm a layman here-- but the Executive Committee-- or Committee on Committees process, excuse me. It'll allow you to, you know, have alternate processes for selecting your alternates. It'll also allow you to have a process defined of how you would rescind them, if that's the case. It would allow you then to have a process where I believe it's an Executive Committee structure again. I didn't read this particular bill in the last 5 minutes, but it's going to have a process in there that tells you-- an Executive Committee process that how you'll determine, hey, we think that vote was null or void and communicate that to the convention if that was your determination. The bottom line is this is your opportunity to set the rules for our state, how you want to select and regulate your, your



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delegates. And so, you can do it any way you want. You know, it's possible that there would be something in here that's too stringent or, or too lenient, by contrast. You have this opportunity to write it the way you want it. So I support this. I, again, thank you for all your time and your work. I admire you. I would not be brave enough to do what you guys do every day. So thank you, again.

**SANDERS:** Thank you, Mr. Mockelman, for your testimony. Appreciate it. Any other proponents on LB259? Any opponents on LB259? Welcome back.

**ALLAN EUREK:** I'm here again. Allan Eurek, A-l-l-a-n E-u-r-e-k. Madam Chair and members of the committee, I feel a little bit like Mr. Merkel [SIC], and, and if-- I hope I got that name right-- in testifying that I don't really think this legislation is necessary, and that it probably has the-- at least the potential of causing some harm. And the legal authority that I've reviewed and I'll provide the committee, if they wish, with the citations of 2 law review articles in-- that, that, that really, once this convention-- it's, it's basic for a reason. Once it's called, it's turning on a light. And once they get in there, they're going to do what they're going to do. And you're not going to be able to control the delegates. You're not going to be able to control the rules. They're going to do what they're going to do, and they're going to report out. And then you got the chance to ratify. They might even put limits on the ratification. The original convention put limits on the number of states needed to ratify. They changed it during the convention. They might do that as well. We say it might be one vote, one state. They might decide something else when they're in there. They might make it secret. You might not know that you can send issues to your delegates or to-- or, or changes to your delegates. And what are the delegates going to do? They're going to try to comply with what you tell them to do, because they've been elected and the statute says to do so, but are they going to be able to? Will they be able to compromise? Will it actually hurt your view on some issues because you won't be able to vote at all, or can't negotiate or compromise with some other issue that's going on in the, in the convention? I just don't think it's necessary. I don't think it helps. I recognize that the convention of states is trying to take what's in all these law reviews and try to deal with them, but I just think it can't be done and that's why it's going to be scary, still is scary, and, and, and it's going to be a problem. The punitive, there's-- it seems like there's a punitive provision, if I read this correctly, that if your delegate does not do what you want him to do, well, how's that going to work? Is this convention going to be in Nebraska? Maybe they commit a crime if they're here, but maybe not if they're in a different state. You know, there's just so, so many legal



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issues that, that, that-- and that's, that's really, I guess the, the overall-- the reason this hasn't been done, the reason Scalia said don't do it, the reason Justice Berger said don't do it, other Supreme Court justices said don't do it. Even Madison warned against it. It's just too scary, and, and it takes a long time. You get there and you don't get something done, you want to go back, you want to come again? You only get one shot, probably. I just don't-- I don't see the-- I, I, I don't see LR14 as helping and I don't see this as helping, either. And, and I appreciate the opportunity to express this to the committee.

**SANDERS:** Thank you, Mr. Eureka, for your testimony. Let's check to see if there's any questions from this committee. See none. Thank you very much. Any other opposition on LB259? Welcome back.

**SHERI ST. CLAIR:** Thank you. Sheri St. Clair, S-h-e-r-i S-t C-l-a-i-r, speaking again on behalf of the League of Women Voters of Nebraska in opposition to LB259. Consistent with our previous positions, previous testimony, and opposition to such resolutions, we are opposed to this one as well. As stated in the handout, there's a number of criteria that haven't been met prior to calling such a convention. Basically, there's not enough rules yet around this. And when I look at LB259, it looks like that would apply to Nebraska's delegates, but I don't see how that could apply to delegates from other states, being Nebraska law. So that's all I have to say about this one.

**SANDERS:** Wow. Thank you for your testimony on LB259. Any questions for Ms. St. Clair? See none.

**SHERI ST. CLAIR:** All right.

**SANDERS:** Thank you very much.

**SHERI ST. CLAIR:** Thank you, Senator.

**SANDERS:** Any other opponents on LB259? Welcome back.

**JOHN WALZ:** Yes, ma'am. Again, thank you. My name is John Walz, J-o-h-n W-a-l-z. And try not to get the cottonmouth and start prattling off again, but one of the things that I, I didn't get to last time and I, I wanted to, and this pertains to this here bill, is can I, I, I go with something that Mr. Meckler had just said, there has never been an Article V convention called. And I know he says there's 20 and 11 and 31 or whatever it is, but those are not Article V conventions. What I'm trying to find here is-- this is what the, this is what the, the Congress sent out to the delegates and this is what, what was



approved. Well, first of all, let me tell you what they, they turned down. And I'll just paraphrase this, is that the delegates could go into this convention and essentially revise the Articles of Confederation and then tell the, the legislator-- the legislative-- and-- legislator in the states what they've done and that, that, you know, that's the way it's going to be. Well, they, they, obviously, they, they were not a-- they were not for that. What they did approve is for the sole and express purpose of revising the con-- Articles of Confederation and reporting to Congress the several legislators, such as alter-- alterations and provisions here. The fact is, is this bill, it's, it's a superficial bill. Because if, if Congress gets the requisite 34 applications for a convention, the state of Nebraska and any of the other states, they have no control but what the rules are going to be. And I hear, you know, I hear people throwing out, like Senator Cavanaugh was saying, you know, how do you know you get one vote per state? You don't, because the rules have not been made. In 1787, the one of the first things they did went in-- when they went into the convention is they swore secrecy and they boarded up the windows. And then, as a matter of fact, I read somewhere George Washington, he kind of chastised one guy for dropping some papers. But they swore secrecy, and they were doing that because they knew if it got out what they were doing, it would, it would cause riots. They were destroying a government. That's what they were doing. As far as, as far as Nebraska and setting any kind of standards on a delegate, they-- the states, back in 1787, they set standards, just like I said. I read the-- I read 3 of the state's commissions. Mr. Meckler is incorrect. The states had specific instructions to their delegates to fix specific place-- points in the Articles of Confederation, and they totally deviated from that. There was no repercussions to them, and it's-- the same would be true here. Like I said, this whole bill would be superficial. Yeah. I mean, I could go on for a lot of things, but my time's up, and I know we getting late, so.

**SANDERS:** Thank you for your testimony in opposition. Let me check to see if there are any questions from the committee. See, see none. Thank you. Any other opponents on LB259? Welcome back.

**GAVIN GEIS:** Senator Sanders, members of the committee, I am, again, Gavin Geis, G-a-v-i-n G-e-i-s. I'm the executive director for Common Cause Nebraska. We are in opposition to LB259, not because of the contents of the bill, but because we believe it would give this body a, a false sense of security about a convention. If a convention were to be called, there's 2 good reasons, I believe, why this bill would be ineffective. First of all, if a-- if the Congress looks at all of the applications and decides there's enough to call a convention, what



do you think the odds are that they don't immediately, at the same time, pass a set of rules? That set of rules that we were talking about that has not been passed, that will come back up and that will be passed. And unfortunately, the state of Nebraska cannot pass a law that supersedes federal law. Right. The Supremacy Clause tells us, our laws fall to the federal laws. And so, I believe the odds are near zero that the Congress does not include a set of rules at the time of passage. Now, whether or not Congress' rules will supersede the convention itself's rules, I cannot say either, but there will be a war of rules. And I believe Nebraska's rules in this instance will fall to all the other instances. The other reason I think that this is a false sense of security is because the courts have told us, they have told us that constitutional officers, those elected and brought in to the federal government through the Constitution, cannot be controlled by state law. In *U.S. Term Limits v. Thornton*, the Supreme Court decided that states cannot pass additional term limits that are placed upon members of Congress. In the same way, at least I believe the argument can be made and will be made at the time of calling a convention, that the states can impose no rules over delegates to a convention, as they will be federal constitutional officers, not state officers. They will be called under the federal Constitution, and so their authority will be federal constitutional, not state. Now, we can "en-try" to oppose laws. We can do something performative and state values, that's certainly true. But please do not put your hopes and your certainties in a bill like this that it will help us control delegates to a convention. I, I think there are many reasons, even beyond these, that it simply won't do anything at all. That is it. Thank you very much.

**SANDERS:** Thank you very much for your testimony. Are there any questions from the committee? See none. Oh, Senator Lo-- Lonowski.

**LONOWSKI:** Sorry. Thank you, thank you, Chair Sanders. Thanks, Gavin, for coming in. So I'm looking at the Tenth Amendment. Somebody had brought that up earlier. Powers not given to federal government are reserved to the states or to the people. The federal government only has a power delegated in the Constitution. If a power isn't listed, it belongs to the people or the states. Tenth Amendment helps maintain a balance of power between federal government and the states. The Tenth Amendment protects states from being overreached by the federal government. So that was what someone referred to earlier. Doesn't that sound like the states are going to be in charge of this to you or not?

**GAVIN GEIS:** To me, that sounds like it's going to be a legal argument, right, that the states are in charge of this, but I don't think it



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gives us any certainty. I think a lot could be invested in the Congress calls language, and I think that that will be the debate. Right. The debate will be what does call mean? Does it include rules? And also, I think how much authority the convention itself has is another issue. This will go to the courts and maybe they'll tell us if-- who's right. Maybe. But they again have kicked it to say it's not our issue either. I don't think it gives us certainty. I'm sorry. I wish it did.

**LONOWSKI:** OK. Thank you.

**GAVIN GEIS:** Yes.

**SANDERS:** Any other questions from the committee? See none. Thank you very much for your--

**GAVIN GEIS:** Thank you.

**SANDERS:** --testimony. Any other opposition to LB259? Welcome back.

**WES DODGE:** Thank you. Wes Dodge, again with Represent Us, among others, and last name is D-o-d-g-e. I'm not going to go in-depth. It's just to get my tally mark that I'm, I'm against it as much as anything. But I think the bottom line is, is Gavin made the argument and it's the argument I was going to make, that the Supremacy Clause, if it still exists after this constitutional convention, would say that there wouldn't be any enforceability necessarily, if the, if the federal government says that there shouldn't be. And we'd probably have a new, a new, different federal government or at least something akin to that at that time. So that's, that's the, the biggest problematic thing I see here. And that's, that's all I really have to add to this one.

**SANDERS:** Thank you, Mr. Dodge. Let me check to see if there are any questions for you from the committee.

**LONOWSKI:** I, I got, I got one quick question.

**SANDERS:** Senator Lonowski.

**LONOWSKI:** Thank you, Chair. Thank you, Mr. Dodge. Real quick. So, so if the federal government said, here's the rules, here's how we're going to play, couldn't, couldn't the states-- each delegate just say, we vote to go home? We, we vote not to vote? I mean, they, they still have their own safeguards of voting, right? And they could say, hey,



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we don't like these rules and so we're voting to cease the, the convention of states.

**WES DODGE:** Well, well, it depends on whatever the rules are that were set. I think one of the prior testifiers who apparently has dug into this a lot deeper than I have, to their credit, I think they said Rhode Island just punted on the, the second constitutional convention, and they didn't get to participate, and they changed the rules while they were gone. I would say anybody who leaves is probably in a similar situation if they, if they make that decision.

**LONOWSKI:** OK. Thank you.

**WES DODGE:** And I'm not sure the Tenth Amendment would really--

**LONOWSKI:** Yeah, I could--

**WES DODGE:** --necessarily apply. And if you're going to protect those delegates who have made this actual change, it's easy to do in that environment. You could throw a sentence into whatever amendment you're going to send back down, down to the states that says they won't be held liable. And then we've also seen, you know, when people have money, they can, they can stall things for multiple years, and-- kind of-- I've been practicing law for 37 years. And justice is, is not necessarily equal for people who don't have money and people who do have money.

**LONOWSKI:** I agree. Thank you very much. Appreciate it.

**SANDERS:** Thank you for your testimony. Any other opposition on LB259? Welcome back.

**KATHY WILMOT:** Thank you. Kathy Wilmot, K-a-t-h-y W-i-l-m-o-t. Thank you for this opportunity. This is an attempt, and Meckler said it earlier, to basically allay the fears that some people may have, which I'm-- I don't have a fear. I just think this is totally unknown. First of all, it's important that we call this convention by its accurate name. And somebody tried to define it earlier, but they skipped some of the definition. Black Law Dictionary, the most referenced law book that we have, states 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. As such, it's a federal cons-- convention, and it's not a simple convention of states. The text of Article V calls the convention. The states only apply. LB259 tries to designate authority to the Legislature, of which we have no idea who will even be members,



or if and when a convention is called. Article I, Section 8 of the Constitution delegates to Congress the power to make the laws necessary and proper to carry out powers delegated in the Constitution. Congress has that power to run a con-- convention and to set the rules, not the state. April 11, 2014, Report of the Congressional Research Service states: Congress' 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 "formulate" for the allocation of votes among the states. On page 40 of that document, we're told there doesn't seem to be any, quote, constitutional prohibition against the U.S. Senators and Representatives serving as delegates to an Article V convention. CRS also states the apportionment of convention delegates among the states are generally set forth again by the formula provided for the electoral college. That puts us up against California again. It is unknown whether delegates would vote per capita or one state, one vote. However, CRS reports-- report states it will be likely to be per capita. Many questions cannot be answered until a convention is held, and I think that's pretty bloomin' dangerous with the Constitution. If you were talking about maybe who's going to babysit the kid while we go to the football game, that might be a little different. And what if delegates make their proceedings secret? We heard already, that happened. State legislators who vote for unfaithful delegate laws assume they're going to be able to know what's going on every minute. We also heard that it was done in secret before. Madison's Journal of the Federal Convention of 1787 reveals on May 29, 1787, the delegates voted to make their proceedings secret. If delegates votes by secret ballot, there would be no accountability to the Legislature. If a convention is called, it is out of the state legislators' hands. Any delegates, as sovereign-dealt representatives of the people, are not answerable to the state legislature-- my red light is up.

**SANDERS:** Go ahead and finish your--

**KATHY WILMOT:** OK-- which are mere creatures of the state constitution or to Congress, which is a mere, mere creature of the federal Constitution. The delegates to a federal convention called by a federal Congress to perform federal function of altering or placing our federal Constitution are performing a federal function, not a state function. So this attempts to put restrictions on delegates, which, quite frankly, you just can't do. And again, I, I ask you to keep this wish book right here in this committee and just kill it.

**SANDERS:** Thank you, Mrs. Wilmot, for your testimony. Any questions from the committee? I see none. Thank you very much.



**KATHY WILMOT:** Thank you.

**SANDERS:** Any other opposition on LB259? Welcome back.

**WES WILMOT:** Thank you. Again, my name is Wes Wilmot, W-e-s W-i-l-m-o-t, and I'm here to speak in opposition to this. First of all, I think this is just kind of a thin, a thinly-veiled attempt to appease some of the people that you're going to step on by doing away with this, the people that let this bill pass to begin with because of the, the clock running out clause. And you're going to need some of their votes to get this to happen, so I think that's what that's about. And maybe not, because like I said, I lived in a world where 2 plus 2 was 4 and it had to be. It seems here that if somebody writes that 2 plus 2 is 5 long enough, people start to believe it. And this is a whole case of assumptions. And I think the, the most famous case of assumption was when they said, this ship can't be sunk. And there's a whole lot of people that will argue with you on that, if they could, if they were alive. And that's-- this whole thing is based on assumption. We've heard could be, should be, well, they did it in this other convention. Yeah, it was a different kind of convention but they did this, and we assume that that's how this will go. You know, and a lot of I don't know. And no, it's not framed but that's OK, because we said that it is, so. We wrote all this stuff and we're experts, so it's true. I, I guess I can't-- I don't live in that world very well. But anyway, like I said, there's the facts. There's the Article V. You read everything else. Somehow it's read in between the lines, and I don't, I don't understand how that happens. But anyway, I'd ask you to vote against that--

**SANDERS:** Thank you, Mr.--

**WES WILMOT:** --because I think it's a moot point anyway. Thank you.

**SANDERS:** Thank you, Mr. Wilmot. Any questions for Mr. Wilmot? See none. Thank you. Any other opposition on 2-- LB259? Any in the neutral? Any testimony in the neutral? Welcome back, Senator Halloran.

**STEVE HALLORAN:** Thank you. Thanks. Well, good afternoon. It's Groundhog Day, I guess, on this issue. Listening to the testifiers for LR14, I heard nothing but whining that there were no procedures for this potential convention of states. No procedures. I, I would have hoped one of you might have asked, well, what are the procedures for Congress when they propose an amendment to the Constitution? Nobody asked that question. They're OK with Congress, the same Congress, bipartisan Congress, both Democrats and Republicans that have given us



\$36 trillion in debt. But you've got confidence in them and their rules. No one challenged what those rules were. But now, we have opponents coming up and, and they're saying, oh, this is-- this bill is just a, just a, a loss leader. It's just a facade. It's a fake confidence. They whined on LR14, no rules and procedures. And when we have something at least governing our own delegates, they're whining again. Basically, what the opponents are saying is that when we have a convention of states and states appoint commissioners to attend that representing their respective states, that they're all a bunch of idiots. They're all a bunch of idiots, and you all might be one of those commissioners. You're all a bunch of idiots because you can't conduct a convention using Mason's Rules? Come on. This isn't rocket science, but you can create fear, uncertainty, and doubt. But if the opponents are saying you all aren't smart enough, if you go to a convention to create rules to govern it so it doesn't go off the rails, it's kind of an insult to you all, and I'm a little embarrassed for them doing that to you. But this is a very commonsense proposal, very commonsense bill. It puts guiderails on the delegates or commissioners. They can be called back if they go off-subject. And I look forward to it. It would be-- Tenth Amendment should be probably rescinded, Senator Lonowski, because the states have given up their rights. Article I, II, and III delegate rights to the respective 3 branches-- executive, legislative and judiciary. Define what those, those responsibilities are of Congress. That's basically it, those 3 branches. Right? That's it. In Tenth Amendment, to your point, Senator Lonowski, is all other authority belongs to the states. That's you all. I know I'm moving to Texas, but I'm going to start using you all a little bit more. So I encourage you to pass this. Disregard the fear mongering. Because what, what I'm afraid of is \$36 trillion growing to \$40 trillion and, and beyond. Nobody is offering a better suggestion. Nobody. I don't care. I don't com-- I don't care if people don't like something. That's their, that's their prerogative. But if they don't have an alternative that's better, I don't listen to them very long, but that's up to you, what you want to decide. I encourage you to pass this bill and LR14. Thank you.

**SANDERS:** Thank you for your testimony. Let me check to see if there are any questions from, from the committee. Senator Wordekemper.

**WORDEKEMPER:** Thank you for being here, Senator Halloran. And I was going to ask this to Senator Lippincott, but since you're here, when, when the bill was passed in 2022. Was there a set of rules like this set up then, like at that time, or did you attempt or what was the process there?



**STEVE HALLORAN:** We had a faithful delegate bill very similar to this--

**WORDEKEMPER:** OK.

**STEVE HALLORAN:** --that we were proposing. Yes.

**WORDEKEMPER:** So is it sti-- did it pass and is it still on the books that we would use that--

**STEVE HALLORAN:** Oddly enough, LR--

**WORDEKEMPER:** --[INAUDIBLE]--

**STEVE HALLORAN:** No. I'm sorry.

**WORDEKEMPER:** --continue this? OK.

**STEVE HALLORAN:** Right. No. Oddly enough, LR14 passed with a sunset, but the faithful delegate didn't, which didn't make any sense to me. I mean, if you're going to pass a resolution having Nebraska participate if one is called, why you wouldn't want a faithful delegate. That confused me why that didn't pass, but a lot of things here confuse me.

**WORDEKEMPER:** Thank you.

**SANDERS:** Senator Lonowski.

**LONOWSKI:** Thank you, Chair. And thank you for your testimony, Senator Halloran. So let's say Congress does sink their teeth into this or-- that seems to be like one of the big fears is that they will stay in control. So if they were to set the rules or at least set rules that we didn't like, would the delegates then have the authority or just the power to say, we're not voting?

**STEVE HALLORAN:** I think they can tell them to pound sand.

**LONOWSKI:** OK.

**STEVE HALLORAN:** OK. I think they can tell them to pound sand and the Supreme Court will ultimately decide, the Supreme Court part of that, that 2,600-page Constitution that we have now, instead of the pocket one, that Mr. Meckler spoke about. But ultimately, it would have to be the Supreme Court to settle that.

**LONOWSKI:** And, and I understand. So, so setting up a bad set of rules, wouldn't force us into voting into anything? Is that correct?



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**STEVE HALLORAN:** Say that again. I'm sorry.

**LONOWSKI:** So let's say that the rules are set up. Senator Guereca had talked earlier about, you know, where these rules coming from. So let's say the delegates didn't set the rules up exclusively. Like, the Congress said, it's-- this has got to be involved or something. Could the deleg-- could the delegates just vote to say, we're, we're going home, we're pulling out. We're not even--

**STEVE HALLORAN:** No. They could disregard, they could disregard Congress. Con-- Congress has a-- strictly an authority to set the time, place, and, and, and date. Right. That's, that's it.

**LONOWSKI:** OK.

**STEVE HALLORAN:** People can argue. I-- you know, Mrs. Wilmot, God bless her. She can read from all the auth-- legal authorities in the world, but they are not the Supreme Court. And Article V is so crisply written. I can't believe all-- she complains about smoke on our side. I can't believe all the smoke on their side. It's very crisp-- crisply written. It has a fallback, and it's called ratification. Now, you know, I suggested that maybe the opponents were thinking you all weren't smart enough to set up rules to govern a, a convention of states. Well, you know, in the same fashion, they're not worried about Congress being smart enough to set rules. And nobody asked them what the rules were for Congress when they propose amendments. What are their rules? We're OK with their rule-- I mean, whatever it is. Trust me, it would be quite similar, in respect. It'd be dealing with Mason's Rules on how to conduct a large convention such as that.

**LONOWSKI:** OK. Thank you.

**SANDERS:** Any other questions from the committee? See none. Thank you, Senator Halloran.

**STEVE HALLORAN:** Thanks. Great being here. Love you all.

**SANDERS:** Any other in the neutral on LB259? See none. Senator Lippincott, would you like to close? The online position comments, proponents, 15, opponents, 33, and zero in the neutral.

**LIPPINCOTT:** Thank you. Just very briefly. This just sets up additional guardrails to ensure that the delegates do what they're told to do when they go to a convention. Don't want to repeat anything else that's been said.



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**SANDERS:** OK. Let's see if there are any questions for you from the committee. See none. Thank you.

**LIPPINCOTT:** Thank you.

**SANDERS:** That closes our hearing on LB259, and we will open the hearing on LR21. Senator Lippincott. The floor is once again, all yours.

**LIPPINCOTT:** Good afternoon, Chairman Sanders and Government and Military Affairs Committee [SIC]. My name is Loren Lippincott, L-o-r-e-n L-i-p-p-i-n-c-o-t-t, and I'm here representing District 34. LR21 is a single-topic Article V application to call a limited Article V convention for proposing a single amendment for term limits on Congress. Last year, I reported that 6 states had passed this resolution. However, that number now has grown to 9: Florida, Alabama, Missouri, West Virginia, Wisconsin, Oklahoma, Louisiana, Tennessee, and North Carolina. A handful of other states are in a serious position to also pass this legis-- pass in this legislative year. LR21 is another bite at the apple to compel Congress to propose their own term limits, or to see the states do it for them. Senators Fischer and Flood, Bacon, Ricketts have all signed the pledge to back term limits, but only some of their colleagues will follow suit. This resolution helps them to get the job done by mounting pressure for them to do it or to watch as the states do it for them. There is much turnover in state legislatures, and this keeps a citizen-led legislature. However, in Washington, D.C., the opposite is the case. Congress is broken, with the incumbency advantage shutting out healthy competition for seats. As a matter of fact, in 1924 [SIC] elections, 95% of incumbents who ran kept their seats. This issue polls at 87%, now among the voters, and is consistently around or above 80% in favor. This includes 86% of Democrats, 90% of Republicans. There is much consensus around this issue as you can ask for on any issue, it is truly bipartisan. Per the 1995 SCOTUS ruling, U.S. Term Limits v. Thornton, only a constitutional amendment can put term limits on Congress. Nebraskans have wanted term limits for 30 years or more, so much so that the people voted to put it in our State Constitution. Yes, we do have a provision in Article XVIII of the Nebraska Constitution that tasks Congress with making their own term limits. This was a constitutional amendment passed by a vote of the people in 1996. I have handed that out to you. Nebraska has used its voice then and now and asked Congress to act. Congress has not yet imposed term limits on themselves, so this might just take a convention to make that happen. Now term limits are also a subject in a broader Article V convention of states, LR14. We just talked about that earlier. And we can have



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multiple calls for a convention on the books, because the only one that will get the call is the one that all states pass with the same language. So if LR14 gets called first, then we can talk about multiple subjects; or if LR21 gets called first, then they are solely limited to amendments about term limits. And behind me, I do have someone who can answer further questions.

**SANDERS:** Thank you, Senator Lippincott, for your introduction. Check to see if there's any me-- any questions from the committee. See none. Thank you. And you'll stay to close.

**LIPPINCOTT:** Thank you.

**SANDERS:** We have a invited guest, Senator Lippincott's guest, Chris Keener. Welcome to the Government Committee.

**CHRIS KEENER:** Thank you. Chairlady Sanders and members of the committee. My name is Chris Keener, C-h-r-i-s K-e-e-n-e-r. I am the regional director for U.S. Term Limits. We are a national, nonpartisan organization that has been working on term limits on-- for Congress since the early '90s. Now, with that said, that was on Congress themselves doing it. It wasn't until about 2015 that we actually started it at the state level because of the 95 ruling, you know, states also have that opportunity according to Article V, as you guys know. You guys have had a lot of discussion about Article V today. I'm not going to beat that horse anymore than it really needs to because the simple fact is this. This is a single topic, topic resolution for term limits on Congress. Put yourself in their shoes. If you were a member of Congress, would you allow the states to control your terms and determine if you are grandfathered in or not? Congress won't do that. Congress will never allow the states to have that authority, because that would take away their power of getting to be able to grandfather in. Because if I was a delegate at a convention, I would say upon ratification of this amendment, if you have met these terms, whatever those terms are, then you are no longer eligible to run for office at the next election. Congress will not leave that to the states to take that chance. They will preempt and they will pass it themselves. In fact, in September of 2023, the House Judiciary Committee did hear the U.S. term limits-- the amendment in Congress for term limits. It was voted down 17-19, with 3 people not present. Currently, Indiana House has passed this resolution. The South Dakota House has passed this resolution. As of this morning, the South Dakota Senate Committee passed this resolution, with a potential vote on it tomorrow. Arizona House has passed this resolution, and the South Carolina House Committee has passed this resolution. And that's just



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this year. Just like Senator Lippincott stated, 9 states have already passed it. Kansas actually had a vote on it in committee this morning, as well, in their house. So it's getting movement, but it's going to take you guys using your power under Article V to put the pressure on Congress to say, hey, look, you either put term limits on yourself or we will get together and do this. That's what I got. Let me see what you all-- what questions you all have for me.

**SANDERS:** Thank you, Mr. Keener, for your testimony. Let me check to see if there are any questions. Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. And thanks for being here, Mr. Keenan-- Keener?

**CHRIS KEENER:** Keener. Yes.

**J. CAVANAUGH:** I'm just curious on what the number is.

**CHRIS KEENER:** What, what do you mean? As far as--

**J. CAVANAUGH:** Like, how many terms?

**CHRIS KEENER:** How many terms? So in our resol-- that's what's great about our resolution, is we don't dictate what those terms should be. So in our resolution, there is no set number of terms. And that is because if, if-- let's say Congress says, you know what? No, we'll let just states decide. Then, it would be up to you guys at the convention to decide those terms. But again, Congress won't let you guys decide because that will take away their power. And again, that would take away the opportunity for them to be able to grandfather themselves in.

**J. CAVANAUGH:** And so they have been proposed in Congress. Term limit.

**CHRIS KEENER:** Correct.

**J. CAVANAUGH:** What-- what's the limit on-- in those [INAUDIBLE]?

**CHRIS KEENER:** So the ones that Congress is proposing is 2 terms in the Senate and 3 terms in the House.

**J. CAVANAUGH:** And would you be able to serve those 3 terms and then the 2 terms?

**CHRIS KEENER:** If you were to get elected as a Senator.

**J. CAVANAUGH:** Well, sure.



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**CHRIS KEENER:** Yeah. That would be the key. And yes, many, many people throughout the country have served in the House and then served in the Senate. Chuck Schumer's one. Grassley is another, who, by the way, has been there since 1975 currently. All career politicians is what the people do not want. 81% of the voters here in Nebraska actually support term limits for Congress, and it's about 78% that support this exact resolution.

**J. CAVANAUGH:** OK. Thank you.

**SANDERS:** Any other questions? Senator Wordekemper.

**WORDEKEMPER:** Thank you for being here. The states that you listed were passing this resolution or with the term limits. Have they also joined the Convention of States?

**CHRIS KEENER:** They have passed that one, as well.

**WORDEKEMPER:** OK. Thank you.

**SANDERS:** Any other questions, Senator Guereca?

**GUERECA:** Did you say Kansas?

**CHRIS KEENER:** Kan-- the Kansas House Committee voted-- heard it this morning. They are voting on it tomorrow.

**GUERECA:** Do you know if they have any term limits in Kansas? I'm looking at your map.

**CHRIS KEENER:** They do not have term limits in Kansas, but Oklahoma does. And there's a few other states that do that have passed this. Florida--

**GUERECA:** I think it's interesting that they're--

**CHRIS KEENER:** --is another one.

**GUERECA:** --passing term limits for Congress, but they don't have any term limits in their state.

**CHRIS KEENER:** Yeah. It just depends on the state. In some state-- it's a mix of the states that have passed and the states-- they-- that-- they have term limits and some that don't. It's a mix.

**GUERECA:** Interesting.



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**SANDERS:** Any other questions for Mr. Keener? See none.

**CHRIS KEENER:** Hit me. No? None. Goll [PHONETIC]. OK.

**SANDERS:** Thank you for your testimony.

**CHRIS KEENER:** All right. Thank you.

**SANDERS:** Are there any other proponents on LR21? No proponents?

**GUY MOCKELMAN:** Well, I got one thing to say. I was trying to save you some time.

**GUERECA:** You made the trip. Might as well.

**GUY MOCKELMAN:** Again, my name is Guy Mockelman. That's G-u-y M-o-c-k-e-l-m-a-n, and I'm speaking strictly for myself this time. I have heard many times, but in the room today-- you know, we-- we're talking on the-- well, the COS side about constitutional-- or excuse me, a Article V convention. We're talking about Article V convention here again. We've heard in the room, hey, use nullification; hey, let's elect better people; and there's probably other thoughts that were expressed and, and those of us had. I'm of the opinion that there's a lot of people in this country that think Washington has overstepped its boundaries according to the Tenth Amendment and everything that's expressed in the Constitution, that it spends too much, and it isn't accountable to itself or anyone else. And maybe I'm right. Maybe I'm overstating that, but I, I have a hunch I'm right. So Mr. Keener here just got up and expressed something that I've often felt, and I'm not a lawyer and I'm definitely not a prognosticator, but I have my opinions. I wouldn't be surprised if we just keep pressing every lever that makes sense that say, hey, we're the states and federal government, you have pushed too far. Whether it's these-- if nullification is valid and in people's minds, if it's voting for better people, whatever, but I think we've got to pull every lever that we can find to help them get the message. Now, I haven't dug up every historical date, but several times there were constitutional con-- the-- our friends that do not want me to say the word opponent, so my friends that have a different opinion than me, they have used the word constitutional convention enough times today I'm starting to use it, but I'm trying to say Article V convention. There have been attempts, several times, to have Article V conventions in the past, and that pressure gets hot enough that Congress says, hey, you know what? We better act or they're going to do something that we can't control. And I'm just going to guess that's probably how some of this



is going to play out eventually, but I think we have to keep applying the pressure through whatever means we have, and so I support this effort, as well. So that's what I have to say. Thank you.

**SANDERS:** Thank you very much for your testimony. Thanks for staying. Are there any other opponents-- no, proponents on LR21? Proponents? Any opponents? Welcome back.

**ALLAN EUREK:** Madam Chairman, committee, Allan Eurek again, A-l-l-a-n E-u-r-e-k. Again, I have the same type of concerns with LR21 that I, that I testified regarding LR14. And I guess the, the theme this time is probably the first thing let's do like Shakespeare said, is kill all the lawyers, because we don't know whether Congress can make the rules or not and, and tell you if you applied right or tell you if you ratified right. We think the Supreme Court's not going to take any case regarding this, because in *Coleman v. Miller*, 307 U.S. 433 (1939), they said this is a judicial-- non-judic-- judicial issue. It's a political question. We're not going to decide it or help you out. Some-- somebody even suggest the convention gets done and sends it to the National Archive, and then let's see if we can enforce it. Somebody might come out of the woodwork then to attack it, and then you might get a Supreme Court opinion. But, you know, all of this is years and years of constitutional crisis. And we've seen that already during these past 3 or 4 years, and, and I don't know that the country can, can stomach more of it. I, I sense that there is a great desire to do something. And I guess if I were going to sug-- recommend something for a state to do or all the states to do collectively, do what Louisiana did: Pass a resolution that eliminated every single previous application, so you avoided the counting nightmare in how you get to 34, and you start again. And maybe you just say, Congress, this is Nebraska. We want a convention, because most people think because of the simplicity of Article V, that's all you have to say. You get there. You're not-- there's no ground rules. And all these things about runaway are certainly there. But probably, Congress has to call a convention then. And probably they might do something before that, try to pass some rules. But it's scary when the states don't know what the rules are. Give credit to Senator Lippincott for trying to put them in both, both pieces of legislation. But they're not adopted, and they need to be, and you need to know where you stand before you do something. And I guess that's my final comment.

**SANDERS:** Thank you very much. Mr. Eurek. Let me check to see if there are any questions from the committee. See none. Thank you for your testimony on LR21. Any other opponents? Welcome back.



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**SHERI ST. CLAIR:** Hi. Yep. Still here. Sheri St. Clair, S-h-e-r-i S-t C-l-a-i-r, behalf of the League of Women Voters of Nebraska. I'm going to skip over all the, the comments about the Article V conventions, they have been stated many times, but specific to LR21, I would like to point out that since 1991, the League has publicly opposed term limits for members of Congress on the grounds that such limits would adversely affect the accountability, representativeness, and effective performance of Congress. And by decreasing the power of Congress, upset the balance of power between Congress and an already powerful Presidency. We feel that term limits should be determined by the voters, so we do not support advancement of LR21 from this committee.

**SANDERS:** Wow, that narrowed it down.

**SHERI ST. CLAIR:** Well, I don't think you need to hear the same arguments, you know, 3 times. So--

**SANDERS:** Yeah. Thank you very much, Ms. St. Clair.

**SHERI ST. CLAIR:** --sorry about that.

**SANDERS:** Let's see if there are any questions for you from the committee. See none. Thank you.

**SHERI ST. CLAIR:** All right. Thank you for your time today.

**SANDERS:** Thank you. Any other opponents on LR21? Welcome back.

**GAVIN GEIS:** Senator Sanders, members of the committee, my name is Gavin Geis. That is spelled G-a-v-i-n G-e-i-s. And again, I'm the executive director for Common Cause Nebraska. I will start by saying I don't know any of you well enough to know whether or not you're in-- incompetent, as has been claimed I have said you were. You are not. I do think you are smart enough to be able to decide between 2 different opinions. And so I come today, merely just to provide another perspective, to give other ideas. I think you all can weigh the odds. In-- on this one, I will be brief as well, but I have one thing I do want to point to in this that raises a question for me is in Section 3 specifically in this legislation. It states that this application shall be considered as covering the same subject matter as the applications from other states to Congress to call a convention to set a limit on the number of terms that a person may be elected, and so on. Now, if-- Senator Lippincott opened, opened by saying that it must be the exact language, right, between different states. But if Congress receives this application, does that language-- my question here-- does that language allow it to look at states that passed



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something like the Convention of States model that include term limits within them? Can they include and aggregate those to reach the threshold, the count required to call a convention? Now, I don't think the language in this one goes either way. I do think it leaves open the possibility that this could be aggregated with other calls that simply include a set term limits, but maybe have other subject matters and use all of those together to reach the threshold. That finally just raises the question: who decides that? Again, we go back to the questions. Who decides whether or not those can be aggregated together to reach the count? Who decides that the language must be completely exact, or if a period missed here or there means that these two could not be put together for a count. Again, there are just so many questions, and that is the one that stood out to me in this piece of legislation. But I will leave it at that. Thank you all for, for listening to me today. I appreciate it.

**SANDERS:** Thank you, Mr. Geis. Let me check if there are any questions from the committee. See none. Thank you.

**GAVIN GEIS:** Thank you.

**SANDERS:** Any other opponents on LR21? Welcome back.

**WES DODGE:** Thanks. Wes Dodge again, Represent Us, Dodge, D-o-d-g-e. Just very briefly, in respect to the comments about, you know, intelligence, et cetera. I think you're all bright people, too, but I, I think that those that preceded you did their job. And they specific-- they fought a hard battle. I remember it. I remember making phone calls and talking about it. And the battle was concluded and the sunset provision was put in it. So I think in-- with all the-- 3 of these bills, I hope you'll respect the people that came before you and the battles they fought, and understand that this door is still open for you after the sunset clause comes through. Now, I, I guess the, the only other thing I'd like to add very briefly, and I'll try to keep it brief, but I have a son who went to Argentina for a year, and he, he lived with a lawyer, a, a lady lawyer. And when he came back, he got off the plane and he really did literally kiss the ground. And he, he walked up to us and he said, I love our government and I love our infrastructure. And then, when he unpacked his suitcases, he gave me something that looked like one of those romance novels, a paperback thing. And, and he gave it to me and he said, this is from the lady I stayed with who is a lawyer. And I said, what is it? And she said, it's the Argentinian-- or he said, it's the Argentinian constitution. And she said-- he said she gave it to me because they get those every time they, they go through an election cycle, pretty much, and they



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redo their constitution. So when we have comments about our Constitution and the pocket Constitution and the 2 and 3,000 pages and, and that kind of thing, I think we can do good things with, with small documents. I think our Constitution has kind of stood the test of time. It needs work. It's always needed work. And I think we do good work through the judicial process and the legal processes, and, and I hope we can continue to do that, that kind of thing. So I guess right now, in regard to this legislation and the 3 things we've discussed today, we've dealt with it, we've got the sunset clause, I think the, the prudent thing to do is respect the people that came before you and let that sit and then revisit it after the sunset clause.

**SANDERS:** Thank you for your testimony.

**WES DODGE:** All right. Thank you.

**SANDERS:** Check to see if there are any questions for you. No. That's good. Thank you, Mr. Dodge, for your testimony on LR21. Any other opposition? Welcome back.

**JOHN WALZ:** Hello, again. John Walz, J-o-h-n W-a-l-z, and thank you for listening to me. I want-- I take exception to Senator Halloran stating that I whine. I took an oath to defend the U.S. Constitution. I will fight to my last breath to ensure the U.S. continues to exist, contrary to Senator Halloran's desire for a bunch of globalist oligarchs to destroy the Constitution for their own benefit at the expense of our God-given rights. Senator Halloran is spewing misinformation, particularly with the statement that we whiners offer no solution. I have already brought up the responsibility of states to nullify unconstitutional opinions, laws, or decrees. Furthermore, contrary to Mr. Meckler's statement that a constitutional convention is the most powerful tool the people have, I submit that fully-informed juries have more power. I encourage the Nebraska Legislature to draft legislation that all juries are fully-- to-- are to be fully informed and that all deliberations hold original intent as precedents. Mr. Meckler and Senator Halloran suggest that our Constitution is 20-some hundred pages. This pocket constitution is what was ratified. The rest of what they refer to are opinions. That's what courts issue-- opinions. That's why they could change. I encourage this committee to not advance these, these bills, at least until you bring in an expert like Robert Brown in to testify. Robert Brown and Mr. Meckler have done debates. And Mr. Meckler, I understand, will not debate Robert Brown anymore. One more note from Senator Halloran-- one more note. From Senator, Senator Halloran and



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Lonely, the book written by Robert Natelson. If you read it, please note that a large percentage of, percentage of his footnotes are circulatory back to his own work and refer to other interstate conventions that are not Article V conventions. That's it. Thank you.

**SANDERS:** Thank you very much for your testimony, Mr. Walz. Check to see if there are any questions from the committee. See none. Thank you. Any other opposition to LR21?

**WES WILMOT:** Good evening, Senators.

**SANDERS:** Good evening. Welcome.

**WES WILMOT:** Again, Wesley Wilmot, W-e-s-l-e-y W-i-l-m-o-t. I'm here to speak in opposition to LR21. I did put Article V in my notes for you. I assume you've all read it. But just for a refresher, that is the facts that end here. Everything else is not. And also, I guess-- forgetting to go last to get a little advantage. I did want to talk about-- someone earlier said our government is broken, and our government is not broken. The problem with our government is people don't get out and work to elect the people they should. You're not going to be able to harness this bad dog. You're going to have to get rid of him and get some people in there that will do what you want done. And I know it's that's oh, that's impossible, that's impossible. Well, I happen to have, a couple of years ago been involved in an impossible election, and I know the amount of work that went into winning it. And if people would get out there and do that, they could fix this. It's fine. It doesn't need this. And also, we had talked-- you asked earlier about the, the Congress and the personnel. And I would like to reiterate, you guys can hire whatever personnel you want. So the only ones that stay are the lobbyists. And, you know, you can do term limits till you're-- you know, forever. You can make it 2 days, and the lobbyists are going to be here their whole career, and a pretty lucrative career, a lot of those are, too. So that's, you know, who's-- that's who's running the government. I know you guys face that every day. I've even heard several people in this house say you know, the term limits are really a problem. It takes you one term to figure out what's going on. And then, you know that you spend the next term actually getting some work done, and then you're gone. And plus, it makes you the lame duck. You know, basically your second term, you really don't have to answer to the people, you don't have to care about who you're going to deal with in the future, as far as fellow senators, you can just do whatever you want. And, you know, those are the problems with, I think, with term limits. Anyway, I guess this is the last note in this I had one other quote about this whole mess. The



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quote was we would have to pass it to know what's in it. And I think that's what you're looking at here. Thank you.

**SANDERS:** Thank you, Mr. Wilmot. Any questions for Mr. Wilmot from the committee? See none. Thank you. Any other opposition to LR21? Thank you. Welcome back.

**KATHY WILMOT:** Thank you. I bet you guys want to go home, but I got another word. Kathy Wilmot, K-a-t-h-y W-i-l-m-o-t. And some of what you're going to get handed, I'm going to kind of skip over, but I definitely hope that you picked up the fact that this is a constitutional convention. I don't care what you want to call it. Black's Law Dictionary, that's exactly what it is. But another interesting thing that I came across in my research, Rob Natelson, his name was mentioned earlier, the Koch brothers, Cenq Uyger, Wolf-PAC, George Soros, and Move to Amend-- Amend, those are just a few of the groups and individuals that are really pushing for a constitutional convention. And I think-- I-- our local people, I've said it before. Many of them I've known so long. We've worked together on so many issues. And I, and I still believe in their heart of hearts, they believe they're doing the right thing, the one thing that needs done. But I want to share the fact that I think some of your real pushers, more on a national level, that are making the big money off of this, which, you know, they say they're not, but they're a little devious. In 2011, Rob Natelson laid out a new strategy and said, I hope you never hear constitutional convention from my lips again. In short, it's better to dec-- now he didn't say this part. You can see there's no quote there. But in short, in other words, it's better to deceive the people and they hope that people aren't going to realize exactly what we're dealing with. In his July 2015 publication, David H. Guldenschuh [SIC] entitled an article, The Article V Movement: A Comprehensive Assessment to Date and Suggested Approach for State Legislators and Advocacy Groups Moving Forward. He revealed that he had hosted-- and this is a quote, hosted a telephone confer-- conference of all the major stakeholders in the convention movement in 2013. Why? Proposing a strategy for the Article V movement for the next 12 to 24 months. Who participated in that conference? Balanced, Balanced Budget Amendment Task Force, the Convention of States Project, the Compact for America, Wolf-PAC-Free and Fair Elections. Now they're all pushing for things for a different reason, but they still want the convention. Guldenschuh said, it is-- was not the first time that leadership of the various groups had ever spoken with each other. We discussed whether there were ways for the groups to work together and support each other. The consensus was that it was too soon to begin merging efforts, but they're all concluding for this



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convention. Again, I'm going to skip over the video part. But over and over, I've heard Meckler say that wife Patty just sits at the kitchen table calling people, asking for these little meager \$20, \$25 donations. Well, he doesn't mention that they are each paid about \$200,000 a year by COS alone, and he doesn't mention the \$5.4 million that Koch brothers-linked groups gave to Meckler's Citizens for Self-Governance from 2011 through 2015. It's a grave danger to our Constitution. And again, if people would really, truly dig down, research, I think you'd be amazed at what you find about what's being proposed.

**SANDERS:** Thank you, Mrs. Wilmot, for your testimony. Any questions from the committee? See none. Thank you.

**KATHY WILMOT:** Thank you.

**SANDERS:** Any other opposition on LR21? Any neutral testimony on LR21? Welcome back.

**DAVID McPHILLIPS:** Thank you, Senator Sanders. OK. Thank you, Senator Sanders. My name is David McPhillips, as you've heard, D-a-v-i-d M-c-P-h-i-l-l-i-p-s. I live in Davis City, and I speak in the neutral position on LR21. Now, I'm a firm believer in term limits for the U.S. House of Representatives and U.S. Senate. However, I believe that the term limits proposed in the convention of states resolution LR14 is vastly superior to LR21. I believe that terms in office should be limited not only to senators and congressmen, but also to members of the federal bureaucracy. If terms are limited only for senators and congressmen, the concentration of power taken from them will then flow to members of the bureaucracy. The provisions in LR14 would allow for limiting the terms of office from members of Congress and federal employees. I often hear that the ballot box is the only term limit control that we need. I disagree with this. The barriers to entry are too high for non-incumbents to win. Incumbents have war chests filled with money and priceless name recognition that non-incumbents cannot compete with. And our, our system is broken, according to The Economist and YouGov, YouGov polling. Congressional job approval was only 18.1% as of November 2024. Yet in the 2024 election, incumbents in the U.S. Senate won 88% of the time, and congressional incumbents won 96.6% of the time. So even though Americans think our congressmen are doing terribly, they continue to be reelected at staggering rates. Term limits are needed because the barriers to challenging incumbents are too high. And with this Article V process that we've heard of today, I want to, to state that language matters. I mean, it's what we use to communicate in the Unicameral, with our friends and family.



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Opponents of the convention-- the Article V convention process keep calling it a constitutional convention. It is not. A constitutional convention is a convention to create a new constitution. We're talking about Article V, right? Article V deals with amending the Constitution. That's what this is for. Language matters. And they're bringing up fear and crisis. Americans are not meant to be fearful. People were meant to, were meant to be brave. It's, it's the land of the brave and the home of the free. Anyways, I guess I ask you to not live in fear and think about crisis. And again, for the opponents of this Article V convention, too, you hear Ms. Wilmot talk about Meckler, Meckler, Meckler. She doesn't even have the respect to call him Mr. Meckler. And I-- I've, I've observed that the Eagle Forum, they have just a cultish opposition to this Article V process. So I guess I, I ask you to remember that language matters in this process and to vote neutral-- I'm, I'm neutral on this position. So thank you for your time.

**SANDERS:** Thank you, Mr. McPhillips, on your testimony. Any questions from the committee? See none. Thank you very much. Any other testimony in the neutral for LR21? See none. We'll have closing comments by Senator Lippincott. The online position comments, proponent, 19, opponent, 125, neutral, zero. Welcome back.

**LIPPINCOTT:** Thank you. I'll make this very brief because you're all in overtime right now. There are-- somebody asked about legislatures and governors and such and, and term limits. We know that we had the Twenty-second Amendment a number of years ago after FDR, and that limited the U.S. President to 2 terms. So we have that now for the nation's executive officer. Also 15 states, like Nebraska, the legislative branch, they're term-limited, and there are 38 states that their governors, like Nebraska, also are term-limited. It's a good idea. We've got a lot of problems here in Washington, D.C., and I think it's time for us to make a course correction and bring about change, with term limits. That's all I have.

**SANDERS:** All right. Let's see if the committee has any questions for you. Senator Cavanaugh.

**J. CAVANAUGH:** I, I [INAUDIBLE] and thank you, Chair, and thanks, Senator Lippincott, for bringing this very interesting conversation. I mean, it's, it's rare to have people that you-- come for your bills to testify against each other. [INAUDIBLE] That was interesting. The only-- real reason I punched in, I did take the opportunity to look up on the term limits website, and I looked at the legislation in, in Congress, and I just thought it was noteworthy that the House



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resolution was pro-- proposed by Ralph Norman, who's-- just began his fourth term. And the Senate resolution is proposed by Ted Cruz, who just began his third term. And so, I think it's interesting that 2 people carrying these are in violation of the resolutions themselves.

**LIPPINCOTT:** Yeah. I agree.

**J. CAVANAUGH:** So I, I don't-- you continue to [INAUDIBLE]. I'd take it as performative and not actually substantive then.

**LIPPINCOTT:** Yeah. I mean, you hear that all the time. Well, we need to keep our senator or our representative because they're getting seniority. So they're competing against the other states. That's why it needs to be a uniform thing, I think.

**J. CAVANAUGH:** Thanks for the interesting conversation.

**LIPPINCOTT:** Yeah.

**J. CAVANAUGH:** So I appreciate it.

**LIPPINCOTT:** Yeah. I agree with you.

**SANDERS:** Any other questions from the committee? See none. Thank you very much--

**LIPPINCOTT:** Thank you.

**SANDERS:** --for your introduction on LR21. This closes our hearing for today-- close our hearing on LR21 and our hearings for today. And I would ask everyone to please exit. We are going into executive committee.