

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee February 21, 2024  
Rough Draft

**BREWER:** Good afternoon and welcome to the Government, Military and Veterans Affairs Committee. I'm Senator Tom Brewer, representing the 43rd Legislative District of western Nebraska, and I serve as the Chair of this committee. Our committee will take up the bills in the order that they are posted on the agenda. And that order is LB282, LB146, LB869, and LB1037. Your hearing today is your public part of the legislative process. This is your opportunity to express your position on proposed legislations before us. Many members may come and go during the hearing. That's just part of the process. We have bills to introduce in other committees. Some of the committee folks are already in other committees. I'll do the opening here today, and then I've got to jump to Judiciary and then back because I've got a bill in here later. So don't panic if you see us coming and going. We've got to be able to present in those other committees. Ask that you abide by the following rules. Please turn off or silence any cell phones or electronic devices. Be aware of the fact that some of the committee members will be using electronic devices, whether it be computers or iPhones. Some of that is just to get an update when they have to be in another committee or doing research on bills that we're looking at. We're going to ask that you move forward as the time comes to the bill that you're going to speak on so that we can have some idea of who's going to speak on what. The order, of course, the presenting senator will give the opening comments. We will then have the proponents, the opponents, and those in the neutral and then save the close for the opening senator. If you're planning to testify today, we ask that you fill out one of the green sheets that's on the table. Be sure and fill it out completely and legibly so it goes in the record correctly. If you're here and do not wish to testify but want to have a record of your presence here, and you're either a proponent or opponent or neutral on the bill, there's a yellow sheet that you can fill out and have that as part of the official record. Let's see. If you have handouts, we ask you provide 12 copies. If you don't, we can have the pages help make some copies. When your turn comes up to present, we ask that you speak clearly into the microphone, state your name, then spell your name. Again, that's just so it goes in the record correctly. We're going to be using the light system here today, and it'll be a 3-minute time limit. So you'll have 2 minutes green, 1 minute with the yellow; and then when it turns red, if you should miss the red light there will be an audible alarm goes off. When the audible alarm goes off, you are done. No displays of support or opposition for a bill, vocal or otherwise, is authorized from the audience. This is a public hearing. We just ask that you show respect

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to the others. And we're going to start today by having senators introduce themselves, starting on my right with Senator Conrad.

**CONRAD:** Hello. Good afternoon. I'm Danielle Conrad from north Lincoln.

**AGUILAR:** I'm Ray Aguilar, District 35, Grand Island.

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

**HALLORAN:** Good afternoon. Steve Halloran: Adams County, Kearney and Phelps County.

**BREWER:** Dick Clark is legal counsel for the Government Committee. Julie Condon is the committee clerk. And when you come forward with your green slips, that's who you want to make sure and give it to. Again, you need to have the green slip filled out and, and ready to go. No green slip, no testifying. And our pages today: Cameron, where you at? Raise your hand. He is a political science major and history senior, and he is from Omaha. And Kristen, oh, she's AWOL today. All right. All right. With that said, we are going to welcome Senator Lippincott to brief us on LR282.

**LIPPINCOTT:** Good afternoon, Chairman Brewer and Government, Military Affairs Committee. My name is Loren Lippincott. That's L-o-r-e-n L-i-p-p-i-n-c-o-t-t, and I'm here representing District number 34. LR282 is a single topic Article V application to call a limited Article V convention for proposing a single amendment for term limits on Congress. Six states have passed this resolution: Florida, Alabama, Missouri, West Virginia, Wisconsin, and Oklahoma. Three states have passed a single chamber and are awaiting final passage this year: North Carolina, Tennessee, and Indiana. A handful of other states are in a serious position also to pass this resolution this legislative year. LR282 is another bite at the apple to compel Congress to propose their own term limits or see the states do it for them. Fischer, Flood, Bacon, Ricketts, and Smith have all signed the pledge to back term limits, but only some of their colleagues will follow suit. This resolution helps them get the job done by mounting the pressure for them to do it or to watch as states do it for them. There is much turnover in state legislatures, and this keeps the citizen-led legislature intact. However, in Washington, D.C., the opposite is the case. Congress is broken and with the incumbency advantage shutting out healthy competition for seats, consider in 2022 midterms, 100% of the incumbent U.S. Senators who ran kept their seats. In the House of Representatives, 95% kept their seats. This issue polls at 87% now

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among the voters and is consistently around or above 80% in favor. This includes 86% of Democrats, 90% of Republicans, and there is as much consensus around this issue as you can ask for on any issue. It truly is bipartisan. Per the 1995 Supreme Court ruling, *U.S. Term Limits v. Thornton*, only a constitutional amendment can put term limits on Congress. Even though term limits are included in the Convention of State, it also allows for term limits on all federal officials and 2 other broader subjects, quote, limiting the power and jurisdiction of federal government, that's number 2, and imposing fiscal constraints on the federal government. Number 3 is convention of states. The more subjects that are included, the harder it can be to, to build a consensus among the legislatures, making it more difficult to reach the necessary two thirds required to have a convention called. By only passing the broader Convention of States application, a legislature greatly diminishes their opportunity to check the abuse of power by members of Congress and leave them in full control. It would be far better to force Congress to call the first Article V convention to propose one amendment for term limits than to only pass a broader application that may never achieve the goal of calling a convention and seeing this reform become a reality for the American people. Behind me, I do have others who can answer questions in the weeds on this proposal.

**AGUILAR:** Thank you, Senator Lippincott.

**LIPPINCOTT:** Yes, sir.

**AGUILAR:** Are there questions for Senator Lippincott? Seeing none, thank you.

**LIPPINCOTT:** Thank you, sir.

**AGUILAR:** Will you be staying to close?

**LIPPINCOTT:** Yes, sir.

**AGUILAR:** OK. We will hear the first proponent of LR282.

**JOSEPHINE LITWINOWICZ:** First of all, I want to say I am honored to be in the room with all these veterans. My mom and my dad and grandfather and my brother, who--

**AGUILAR:** Name, please.

**JOSEPHINE LITWINOWICZ:** What?

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**CONRAD:** Josephine, would you state and spell your name?

**JOSEPHINE LITWINOWICZ:** OK. My name is Josephine Litwinowicz, J-o-s-e-p-h-i-n-e L-i-t-w-i-n-o-w-i-c-z. Yeah. Anyway, my brother was a pilot, Black Hawk pilot, instructor pilot, ended up as the defensive military at Vishay, Lithuania. So he had a [INAUDIBLE] cool career. Anyway, I'm in favor of this. I don't know why we have, I mean, we should have term limits and not set by the state. Because with all the club, you know, the partition of the Red Sea we got, you know, we're splitting up and it's going to turn into a desert. So we need this. I don't know what the optimum amount of years is, but it's not-- it's, it's not Schumer or [INAUDIBLE], you know. And so, I, I just want to say, I don't know, I hope that this can pass. There, there was something else I was going to say, but. Oh, I was going to actually, oh, well, I'm going to go because it popped out of my head because of-- have a good day.

**CONRAD:** Thank you.

**AGUILAR:** Any questions for the testifier? Seeing none, thank you. Next proponent. Welcome.

**SHANNA CHAMBLEE:** Good afternoon. My name is Shanna Chamblee. That's S-h-a-n-n-a C-h-a-m-b-l-e-e. Thank you, Mr. Chairman, members of the committee for having me. I am a regional director for the organization U.S. Term Limits and travel to many states working to help get this established and hoping to make Nebraska number 7 in the states that we have passed. Senator Lippincott mentioned the 6 others that we have passed in recent years. He covered many of the points that I would traditionally cover in a committee testimony as well. But just key highlights to what this resolution is, is the, as he mentioned, 87% of American voters support this piece of legislation and even specifically when asked if they supported this by way of an Article V convention. We are forced into having to make an amendment due to the U.S. Term Limits v. Thornton ruling in 1995, where the Supreme Court ruled in a 5-4 decision that it must be a constitutional amendment. Prior to that, 23 states had term limited their own congressional delegations, Nebraska being one of those. So this is a way to get back to the will of the people in asking for term limits. Though this is, in fact, an Article V single topic amendment convention application, there will never be a convention for term limits on Congress. They simply will not let the states meet to decide their own term limits. Ideally so, because they will want to grandfather themselves in and assure themselves greater longevity than the states would allow. And

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they don't want the states to realize the power that they would have if they ever were to convene a convention. So I will-- I will stand for questions on anything regarding the Article V process, and I'm able to answer any of those. But I don't feel like it's a necessary thing to bring up in a committee testimony, being that we're not going to reach that point with this. But you now have the historic opportunity to align with the will of the people-- align the will of the people with the actions of our government. Congress will recognize the writing on the wall and proactively propose term limits on themselves as more states join this movement. Now I'm happy to answer any questions.

**AGUILAR:** Any questions for Janet [SIC]? Senator Conrad.

**CONRAD:** Thank you so much, Vice Chair. Thank you for being here. I just had a quick question. Did you have any sort of preference or thinking in regards to what the right amount of service might be? Is it 2 or 3 terms? Is it 3 or 4 terms? Have different states approached that differently if you just wanted-- I understand your, your policy preference is for term limits. But there's a lot of sometimes variation even within that, that policy goal. And I know we're talking about that a lot in the Nebraska Legislature, where we want to honor the will of the voters. And they've said 2 terms, but maybe try and provide some breathing room for institutional knowledge to be gained with maybe 2, 6-year terms instead of 2, 4-year terms. And of course, that has to go back to the people. But have-- do you have any policy preferences on, on exactly what the term limit is?

**SHANNA CHAMBLEE:** Mr. Chairman and Representative Conrad, we do not advocate for any set number of terms.

**CONRAD:** OK.

**SHANNA CHAMBLEE:** Our application is simply the call for a convention to happen. We do run a resolution in Congress itself, and that one calls for 3 House terms and 2 Senate terms and no language that would prevent crossover from one chamber to the other.

**CONRAD:** OK.

**SHANNA CHAMBLEE:** So-- but in the convention model, it would be for the states to get together and deliberate and come up with their own set of terms.

**CONRAD:** OK. Very good. Thank you so much. Thank you, Mr. Vice Chair.

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**AGUILAR:** Further questions? Senator Halloran.

**HALLORAN:** Thank you, Vice Chair, Chairman.

**CONRAD:** Vice Vice Chair.

**HALLORAN:** Vice Chair Aguilar. Welcome to Nebraska.

**SHANNA CHAMBLEE:** Thank you.

**HALLORAN:** I think in Nebraska you're fortunate that we have Article XVIII in our constitution that was a CA, constitutional amendment initiative of the public back in 1996, which calls for support for term limits for Congress and passed in 1996, as I said. And the interesting point with that is, is in 1996, the debt was \$5 trillion, and today it's \$34 trillion. So I commend you on-- so question is the same resolution that we have here the same that your applications are in the other states? I would assume they are.

**SHANNA CHAMBLEE:** Mr. Chairman and Senator Halloran, yes. We pass identical resolutions in each state so that they all aggregate.

**HALLORAN:** OK. Very good. Thank you.

**AGUILAR:** Any other questions for Janet [SIC]?

**SHANNA CHAMBLEE:** Thank you.

**AGUILAR:** Thank you so much for coming today.

**SHANNA CHAMBLEE:** Thank you.

**AGUILAR:** Next proponent. Anyone else? Welcome.

**TONY BAKER:** Good morning, Vice Chair Aguilar and members of the Government Committee. My name is Tony Baker. That's spelled T-o-n-b-- T-o-n-y B-a-k-e-r. And I'm from Lincoln, Nebraska, also Senator Brewer's legislative aide. Yes. I'm taking a day off from work to come here and testify. In the last 5 years, I've testified at every one of the convention of the states type bills. Today, I'd like to touch on 2 commonly heard arguments against the convention of states. And I should rephrase this, against the Article V process, because there's 2 processes where two thirds of Congress or two thirds of the states get together and propose amendments. The first is the convention of states has never been used so if-- we should be afraid of this method. And

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the second argument is if it is ever used, it will go quickly out of control and rewrite the constitution. This argument is demonstrably false. Opposing the convention of states because it has never been used before begs the question, how was the 21st Amendment ratified? We'll get back to that later. After all, Congress chose to use the convention method as opposed to the legislature method to ratify that amendment. Since it was never used before, does this mean the states would go out of control? I don't think so. Is Congress more trustworthy than the states and a convention? I don't think so. Regardless of how the amendment is proposed, it must be ratified by three fourths or 38 of the states. So either the two thirds of Congress method or the two thirds of the states method. Both methods have to be ratified by 38 states. 33 amendments have been proposed to our constitution in our nation's history and 27 of them-- of them have been ratified. So it's clear to-- clear for anybody to see that the process works. In Madison's notes from the very first convention of states that would be called the Constitutional Convention, you'll see how an amendment was proposed and supposed to be meaningless, because the framers of the constitution intended for both methods to be equally valid. Madison writes: which in either case shall be valid to all intents and purposes as part of this constitution. Arguing that a convention of states could somehow run away and rewrite the constitution, I sent a handout out as a little piece of research I did for Senator Halloran a few years ago about convention of states. It's called The Myth of the Runaway Convention. In closing, I want to say I strongly support LR282, and I urge members of the Government Committee to advance it to General File. Incidentally, I'll close with the 21st Amendment was not ratified by Nebraska and 7 other states.

**AGUILAR:** Thank you, Mr. Baker. Any questions for Mr. Baker? Senator Halloran.

**HALLORAN:** Thank you, Vice Chair Aguilar. It's an interesting example of the 18th Amendment and the 21st Amendment. The 18th Amendment, basically abolishing alcohol. And coincidentally, is kind of the entry age in most states for drinking alcohol today. But then they had-- they had a change of heart. They had pushback on that. And interestingly enough, as you pointed out, the 21st Amendment was passed, which is, I think, an example of, OK, so what if something does go-- should go awry as, as the-- those people that might oppose this concept might suggest. There's proof in the pudding. There's proof in the evidence it can be reversed. Correct?

**TONY BAKER:** Yes.

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**HALLORAN:** Good. I'm glad I got the question mark on the end of that so it was truly a question.

**AGUILAR:** Senator Lowe.

**LOWE:** Thank you, Vice Vice Chair. So what-- can Senator Brewer actually deal with you not being there today?

**TONY BAKER:** It's going to be tough for him, but I think he'll be all right.

**LOWE:** All right. You-- you're a historian.

**TONY BAKER:** A little bit.

**LOWE:** And so you kind of know the way that, that our country is established and, and you have no fear of convention of the state.

**TONY BAKER:** None. Zero.

**LOWE:** Why is that?

**TONY BAKER:** Second to the last day of the Constitutional Convention in September of 1787, they were reading the final draft. And a guy named George Mason stood up and he said, hold on a minute. The draft only had the two thirds of Congress method in it. The original Madison draft of the constitution had both methods in it. When Hamilton showed up in June, he wanted George Washington to be a king and so forth and so on. And so he objected to the two thirds of the states method. So they took it out to placate Hamilton. Well, then they never put it back in. And they get to the second to the last day, and Mason stands up and goes, what's going on here? What happened to the two thirds of the states method? Of all the hundreds of motions and amendments and alterations that were made during the Constitutional Convention, that was the only one restoring the two thirds of the state language in Article V. That was the only one that was passed unanimously without debate. Now, of course, it was the second to the last day and they, you know, I know what senators do on the second to the last day.

**LOWE:** All right. Thank you.

**AGUILAR:** Other questions? Danielle.

**CONRAD:** Thank you so much, Senator. Good to see you. Tony, do you-- I want to give you a chance to respond to maybe there's some tension or

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perhaps not between the different proposals that Senator Lippincott has put forward and that Senator Halloran has put forward. I think Senator Halloran's allows for perhaps a broader call or opportunity under Article V, whereas this is a convention, a convening for a singular purpose. Do you want to weigh in as to if there is a policy preference there? Can they go together in your mind? Should they go together in your mind? Just kind of wanted to, to lay that out there since we do have Senator Halloran's measure prioritized on the floor.

**TONY BAKER:** I, I agree with the Article V process.

**CONRAD:** OK.

**TONY BAKER:** Whether it is a single subject like Senator Lippincott's resolution or multiple subjects, 3 different subjects under Senator Halloran's, and I think Senator Lippincott did a good job at the beginning of explaining why, you know, it's going to be harder to get Senator Halloran's proposal done rather than his, because his is a single subject that 80-plus percent of the people support so.

**CONRAD:** Fair point. Thank you so much. Thank you. Thank you.

**AGUILAR:** Other questions? Seeing none, thank you. Next proponent. Welcome.

**JOSHUA BASSAN:** Thank you. Hi. My name is Joshua Bassan, J-o-s-h-u-a B-a-s-s-a-n, and I support this resolution because I believe that it will restore sanity to the federal government by removing career politicians out of Washington. Firstly, it's easy to see how the longer you are in politics, the harder it is to kind of stay connected to your constituents and the real world. And what are the day-to-day, or even year-to-year kind of needs, wants, desires of your citizens? I've been on the village board for Ithaca, Nebraska, population 168 for one year; and I can already kind of see how, yeah, this can happen. Secondly, there is a ton of evidence that there is a ton of corruption on Capitol Hill. Generally speaking, the way you fix that is you fire people. I grew up on an orange orchard out in Hawaii. And so my father would talk, tell stories about the conversations he would have with the higher-ups at grocery stores. There was a large nationwide chain that was having problems with Hawaii. They sent someone from the mainland who didn't know a soul there in Hawaii, and he came in, fired a lot of people, hired a bunch of new people. I think he was there 3 years total, and he righted the ship. I believe this amendment would have the same effect on Washington. Third, in

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theory, hopefully once someone knows they can't run again for that same office, they will spend less time fundraising and they will actually do their job, and they will draft legislation and they will read other people's bills and discern and, and that sort of thing. Being handed a 1,000 page bill and voting yes or no, because your team says that's the right thing to do is just ridiculous. Fourth and lastly, this was already mostly covered by the young lady from U.S. Term Limits, but that nonprofit organization, she said 23 states, I thought maybe it was 15, had passed, excuse me, laws at the state level barring someone from rerunning for the U.S. House or the U.S. Senate if they'd already served so many terms. I think those 23 states passed that in like 5 years. I mean, this was just wildly popular. And so until that Supreme Court decision, you know, this, this thing was on fire. It was just, yeah, again, it was very popular. So what they're proposing is, is not without precedent. And oh, and then lastly, I've been following and donating to U.S. Term Limits for 7 years. Donald Trump's election and kind of the, the amount of negative coverage that he got kind of piqued my curiosity. And so I subscribed to one conservative quarterly and one liberal quarterly. And I was surprised to find that they actually agree on certain things, education and infrastructure come to mind. Yet at the national level, things seem to not move. So I think that, yeah, just getting rid of these career guys will really help. I think U.S. Term Limits, they-- they're operating with a lot of honesty and integrity. And I think they're, they're following the rules and procedures and just a great organization. So I said my piece and thank you.

**AGUILAR:** Any questions?

**CONRAD:** Thank you.

**AGUILAR:** Seeing none, thank you.

**JOSHUA BASSAN:** All right.

**CONRAD:** Great job.

**AGUILAR:** Next proponent. Welcome.

**STEVEN JESSEN:** Thank you. Welcome. Thank you, Senators. My name is Steve Jessen, Steven Jessen, S-t-e-v-e-n J-e-s-s-e-n. I, I support this piece of legislation. And I really can't add to anything other than what's been said other than basically stating what is in Article XVIII of our Nebraska state Constitution. And I just read the first

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part of this: The people of the state of Nebraska want to amend the United States Constitution to establish term limits on Congress that will ensure representation to Congress by true citizen lawmakers. The President of the United States is limited by the 22nd Amendment to the United States Constitution to have 2 terms in office. Governors in 40 states are limited to 2 terms or less. Voters have established term limits for over 2,000 state legislators, as well as over 17,000 local officials across the country. Nevertheless, Congress has ignored our desire for term limits, not only by proposing excessively long terms for its own members, but also by utterly refusing to pass an amendment for genuine congressional term limits.

**AGUILAR:** Questions for Steven? Seeing none, thank you.

**CONRAD:** Thank you.

**AGUILAR:** Any other proponents? Seeing none, we'll hear from opponents next. Any opponents?

**SHERI ST. CLAIR:** Good afternoon. That's me. Sheri St. Clair, S-h-e-r-i S-t. C-l-a-i-r. I'm here on behalf of the League of Women Voters of Nebraska. The League has consistently testified in opposition to resolutions that would apply to Congress to call for convention of the states. We've identified a lot of unresolved questions that would be-- need to be resolved before such a convention is called. This would be for either an Article V convention or a convention of the states. For example, the convention must know upfront: transparent, not conducted in secret; representation should be based on population rather than one state, one vote and delegates should be elected rather than appointed; voting must be by delegate; should be limited to a single topic; only state resolutions on a single topic should count when determining if a convention should be called. These criteria are not met in the-- in the broad brush call for convention of the states. Additionally, since 1991, the League has publicly opposed term limits for members of Congress on the grounds that such limits adversely affect accountability, representativeness, and effective performance of Congress, and thereby decreasing the power of Congress, upsetting the balance of power between Congress, and an already powerful presidency. We feel that term limits should be determined by the voters. We do not support advancement of LR282.

**AGUILAR:** Thank you. Are there any questions for Sheri?

**CONRAD:** Thank you. Thank you, Sheri.

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**AGUILAR:** Seeing none.

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

**AGUILAR:** Next opponent. Welcome.

**GAVIN GEIS:** Senator Aguilar, 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, speaking in opposition today to LR282. Many of you on this committee have heard me speak in opposition to the Constitutional Convention idea for years. So I will not take a lot of time. You have already heard the arguments and we know the disagreements. But there are a few areas that I think we can agree on, a few areas of genuine concern that I think we can agree on when it comes to this issue. Now, when it comes to the underlying term limits question, we have no, no opposition to that idea. We think that they can be implemented well or poorly. I think Nebraska shows that they can be implemented in a way that harms governing. But that doesn't mean at the federal level we can't find a system that works. Our opposition here today is only in regards to the constitutional convention. There are 2, 2 areas I think we can agree on that are at least concerning, even if we disagree on how concerning they are. First and foremost among those agreements is that money in our politics affects the outcomes of our politics. And there is no question that a constitutional convention would draw just unseen amounts of political spending. In 2020, federal elections drew \$14 billion in political contributions. To put that in a different context, that's about \$8,000 to every Nebraskan. Or if there were 500 delegates to a convention of states, that'd be about, let me check my-- make sure my number is correct here, but I believe that would be \$28 million to 500 delegates. And currently, we have no idea how limits on campaign finance, on disclosure, on any of that would apply to a delegate to a constitutional convention. We-- I find it hard to believe that we could disagree money would be spent on this process. People want to spend money to influence our policy. We see that federally. We see that in Nebraska. We would undoubtedly see it at a convention of states. We could say the delegates will implement rules around it. Perhaps they will. But right now we don't know, and we don't know how federal laws would apply. The second thing I think we can agree on is that there is tremendous disagreement on this issue. No matter what you think of proponents' arguments or opponents' arguments, the disagreement exists. And someone is going to have to sort that out if a convention happens. Right now, we don't know who that is. We don't know if that's Congress, the courts, the President,

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or will it be the delegates themselves? All of those questions, all of those possibilities have problems. All of those possibilities are distasteful to one person or another. So at the end of the day, this disagreement has to be sorted out if it's going to happen. And the answers to who's going to answer those questions for us are up in the air. And I don't-- I don't particularly like any of those answers. I will leave it there. There's much more that we, of course, have talked about, but that's where I will leave it today. Thank you for the time and for the ability to talk to you all.

**AGUILAR:** Any questions from the committee? Senator Halloran.

**HALLORAN:** Thank you, Vice Chair Aguilar. So would you repeat those unanswered questions again? The unanswered questions you listed off.

**GAVIN GEIS:** This-- the only one I'm really pointing to is who will resolve the questions that we-- that you and I disagree on this issue? Who, who will resolve the question of how many delegates Nebraska gets to a constitutional convention? Who will resolve the question of how many votes Nebraska will get a constitutional convention? Certainly we would like one vote as a state, right? California is not going to want one vote as a state. They're going to want it proportion to their population. And we can disagree about how that will actually settle. But someone's going to have to decide that for us. And that, too, is an unanswered question of who's going to decide. Will it be the delegates? Maybe. Will it be the courts? Maybe, I don't know.

**HALLORAN:** Can you define the rules governing, governing Congress in regard to proposing amendments to the constitution and be very explicit, if you would, please?

**GAVIN GEIS:** I'm sorry. I'm not sure what you're referencing.

**HALLORAN:** Well, you're concerned about rules that might govern a convention of states. And by the way-- by the way, it's a convention of states. It's not a constitutional convention. Words have meaning. I know you appreciate this, Mr. Geis, but words have meaning. A constitutional convention, by definition, is a convention called to rewrite the whole constitution. I know you're familiar with the wording in Article V. The Founding Fathers were very pure and simple in their language, very defined in their language about what an Article V is. I've read it, read it, read it, read it. I've never seen anything in there implying that it's a constitutional convention. Can you clarify that for me?

**GAVIN GEIS:** About whether it's a constitutional conven-- it is-- it is a convention to propose amendments to the constitution, correct?

**HALLORAN:** That's not a constitutional convention. I'm not here to argue with you, but words have meaning. Now in 1787, there was a constitutional convention. That's true.

**GAVIN GEIS:** Correct.

**HALLORAN:** Article-- Articles of Confederation were unanimously decided about-- amongst the Founding Fathers that this-- that they were not sufficient to properly govern a new country and they unanimously decided to call a constitutional convention. There was no ambiguity about that. They knew that they were going to write a new constitution. It was not a call to amend the Articles of Confederation. It was to write a new constitution.

**GAVIN GEIS:** It depends on where you look in the timeline, too, right? Earlier on in that process, there was the, the proposal to just amend the Articles of Confederation. So I think there is room to disagree on where in the process that may have changed. But I take your point.

**HALLORAN:** But initially it-- well, eventually it was refined into an agreed upon constitutional convention to write a new constitution. Article V says nothing about a constitutional convention. It's a convention of states to propose amendments, just like Congress has the authority to propose amendments. Correct?

**GAVIN GEIS:** I would-- I take your point, and I agree. I don't think it resolves any of the underlying questions. I don't think the framing of how we talk about this event changes the concerns we have. But I do take your point.

**HALLORAN:** I think the beauty of the Founding Fathers in regard to having a separation between the two methods for proposing amendments is very clear. They gave one method to Congress, which is well defined what Congress is, and the other one they gave to the states to be able to propose amendments. Any congressional interference in the convention of the states, by the very definition of how they wrote it, defines it that Congress has no influence on a convention of states. None. Zero. It's a separate-- it's a separate gathering of the states not governed by the Congress.

**GAVIN GEIS:** That's interesting because Congress has tried to impose, in the past, they have proposed rules for a constitutional con-- or a

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convention of states. They have tried to do that. So some of them believe they have authority. It would certainly be up to a higher authority to decide if that's true or not. But I, I would hazard a guess that if this happened, Congress believes they have some authority here, and they're going to try to exercise that authority.

**HALLORAN:** We'll leave that up to a higher authority, not you or me.

**GAVIN GEIS:** You know, that's, that's OK.

**HALLORAN:** I appreciate your testimony.

**GAVIN GEIS:** Thank you.

**AGUILAR:** Any other questions from the committee? Senator Conrad.

**CONRAD:** Thank you so much, Senator Aguilar. Thank you, Gavin, good to see you. I understand Common Cause's longstanding position on this and other topics. And it's primarily an organization devoted to campaign finance reform over most of its history and other civic engagement issues. But I do just want to make sure, of course, you have the right to organize and petition your government to see the kind of change and the kind of society that you want to see. And you believe that campaign finance reform is at the heart of the-- that work. But I do want to just push back, because I think that perhaps you overstated or misstated in your testimony, kind of the, the legal landscape with where we are when it comes to political speech and campaign finance. And I, I think I just want to give you a chance to perhaps clarify that the current law of the land, according to Supreme Court decision is, and longstanding and strengthened over time, is that political money is political speech and that's protected by the First Amendment.

**GAVIN GEIS:** Oh, and I would certainly-- I would not-- I would-- I would not disagree with that at all. I would only-- I would only add to that that the Supreme Court has also agreed that we can put limits, we can put a box around that speech. We can say how much--

**CONRAD:** Well--

**GAVIN GEIS:** --can be spent. We can have limits. Right? You would disagree that the Supreme Court has said we can put contribution caps on [INAUDIBLE]?

**CONRAD:** I don't think that was the holding in Citizens United.

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**GAVIN GEIS:** Not in Citizens United, but that was just talking about a different issue.

**CONRAD:** Well--

**GAVIN GEIS:** Right? That was talking about different types of donations. So do you-- I mean, there's no questions here. That's my mistake. Sorry.

**CONRAD:** Sure. Well, very good, but I just wanted to, to be clear about that, because I think one thing that makes it harder for us to sometimes debate challenging issues like this in, you know, and this happens all across the political spectrum. But if, if we don't have consistency when it comes to, say, for example, protecting the rights and freedoms of the First Amendment, whether we agree with that speech or disagree with that speech, it, it, it makes it harder to have these kinds of conversations when we utilize, you know, our values, our positions more selectively. And so I'm not perfect by any means in having a consistent approach. But I do try and think really, really deeply about making sure that when it comes to a robust reading of the First Amendment, I'd like to see a robust reading of that across the way. When it comes to things like a convention of states, I believe that we have mechanisms within our constitution to allow people to petition their government for change through peaceful means. And this, this is one of those mechanisms. So, so that's the way I see it. But, Mr. Geis, would you speak, because I've been reading a lot about this over the last couple of years as well, that, you know, for a long time there was an understanding that a call for a convention was emanating more so from the right side of the political spectrum. But I've been reading a growing body of advocacy from the left that's also looking at a convention for a variety of different purposes. Do you have any comments on that, or have you had a chance to look at that?

**GAVIN GEIS:** You, I think-- I think you're looking-- one of the biggest organizations doing that is--

**CONRAD:** [INAUDIBLE]

**GAVIN GEIS:** They want to overturn Citizens United using this process.

**CONRAD:** And Brennan Center has had a lot on it.

**GAVIN GEIS:** Yeah. And we oppose those efforts as well, despite wanting to overturn Citizens United and limit campaign finance. It-- we

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maintain a consistent position here. But you're right. There is a growing number.

**CONRAD:** Very good. Thank you so much for your time. Thank you. Thank you, Senator.

**AGUILAR:** Thank you.

**GAVIN GEIS:** Thank you. Thank you all.

**AGUILAR:** Any other opponents? Seeing none, is there any neutral testimony? Seeing none, Senator Lippincott, would you like to close? Online position comments for the record: 39 proponents, 6 opponents, 0 neutral.

**LIPPINCOTT:** Thank you, sir. Bottom line, there's lots of hoops a person has to jump through to get legislation come to fruition. And filters, safeguards, call it what you want, there's been 12,000 different attempts to have amendments to our constitution. And out of those 12,000, they've only come to 33 that's gotten two-thirds votes in both the House and the Senate. And then out of those 33, when they try to give them to the state legislatures for ratification, it's been whittled down from 33 to 27. That's a lot of filters to go through. So bottom line on this is there is an advantage of incumbency. And we've seen that with the people in the House and Senate on the federal side. And bottom line is voters need to-- there needs to be accountability for the people that are in office. And when they just stay in there forever and ever, there's less accountability. And they have a difficult time saying no. And when they do, spending goes up. Just as Senator Halloran said a few moments ago, our budget now is-- our deficit is at \$34 trillion. So we've gotten ourselves into a pickle, as people would say. And term limits would help. In terms of putting people of courage in there to draw the line.

**AGUILAR:** Any follow-up questions for Senator Lippincott?

**CONRAD:** Thank you.

**AGUILAR:** Thank you.

**CONRAD:** Thank you.

**LIPPINCOTT:** Thank you, sir.

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**AGUILAR:** Next up we're going to hear LR146. Senator Conrad, welcome up.

**CONRAD:** Hello, Senator Aguilar. It's my second time in front of one of your committees today, so it's my lucky day. Members of the Government Affairs Committee, my name is Danielle Conrad. It's D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d. I'm here today representing north Lincoln's "fightin'" 46th Legislative District. And I'm proud to introduce LR146. The idea for LR146 was brought to me by an organization, the D.C. Statehood Compact, that's attempting to raise awareness about this issue and to build support for granting statehood to Washington, D.C. This was an issue that was on my radar screen as a civil rights attorney over the course of my career. And it was an issue that just basically came down to essential fairness for me when looking at this issue and deciding to bring it forward as a member of this Legislature. There are folks who are going to testify behind me that can give you more specifics to it. But the bottom line is that we have a significant amount of our fellow Americans who live and who work in the District of Columbia that are denied representation yet subject to taxation. And I think that just runs against fundamental ideals and fairness when it comes to representative democracy. There can also be no doubt that there is a significant and pronounced racial justice component to this disenfranchisement based upon the demographics of the District of Columbia residents that I think we need to be very, very clear-eyed about. The other piece that I will let you know is that this is a complex issue. When it comes to looking at different aspects of the constitution and federal law, these issues have been well debated from the Federalist Papers forward. And I think that there is a significant body of historical research, legal research, policy research that's out there, but that does show a pathway to ensuring basic voting rights, basic representation for residents of our nation's capital. It just-- it's a-- it's a matter of basic fairness for me so that's why I brought it forward. I am happy to answer any questions. But I'll be here for the testimony and hopefully for close as well.

**AGUILAR:** Questions for Senator Conrad? Seeing none, oh. I'm sorry. You got one?

**LOWE:** Sure. You can see me. OK. Thank you, Vice Vice Chair. And, Senator Conrad, good to see you twice in one day.

**CONRAD:** Yes, yes. That's right. Sorry, I didn't mean to leave you out, Senator Lowe.

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**LOWE:** That's OK. Washington, D.C. becoming a state?

**CONRAD:** Yeah.

**LOWE:** It was-- Washington, D.C., was at one time part of Maryland and Virginia.

**CONRAD:** Um-hum.

**LOWE:** Why not just divide it back up between those 2 states again and it just becomes the 2 states instead of our 51st state?

**CONRAD:** Yeah. Thank you, Senator Lowe. And I think you're exactly right. That is one remedy that has been identified in the course of this debate that could be explored more so. I think this is another path to recognize kind of the existing boundaries in the existing political culture that goes with the residents in our nation's capital that see their identity as separate and distinct from those states because of how they live and how they work in, in our nation's capital as a part-- as part of D.C. That is one remedy that has been looked at in the course of this. I think it would probably be logistically challenging, but permissible under existing legal statutes, structures if, if that was the path that people wanted to go. And I think what's at the heart of your question is, is more how do we get there instead of whether we should get there, right? And if we can all kind of agree, you know, that there's well over 500,000, 600,000 of our fellow Americans who were denied a voice in Congress, yet are being subject to taxation, we should figure out a way to fix that. And, and I think this resolution helps to raise awareness towards any and all remedies. But statehood is one, one way that, that I see as, as a way to remedy that.

**LOWE:** I'm not sure, but I think Washington, D.C., has a lot of representation [INAUDIBLE]. And it's 10 square miles.

**CONRAD:** Yeah.

**LOWE:** Correct?

**CONRAD:** That's right. You're right.

**LOWE:** It's very expensive land. Why does anybody live there? I mean, why are they not out in Virginia or Maryland living in more reasonable and then commute in because the commuter system is pretty good out there?

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**CONRAD:** Well, to your point, Senator Lowe, I think you're right. The-- Washington, D.C., has a lot of representation. But that's on our behalf. We have representatives going there from all 50 states to be a part of our federal system. And, of course, they're representing their states' interests but are also looking out for the good of the whole of the country, right, which would include D.C. But they don't-- they don't have any voting members who are specifically looking out for the District of Columbia in those bodies, even though they are subject to taxation and are paying taxes. So I think the representation question's just a little bit different there. But, you know, when it comes to the geographic footprint, you're right. It's a relatively small geographic footprint. But there's a significant population there, actually more so than some of our sister states that do have full representation in Congress. So we can't just look at the metric of, of the size of the map or the number of folks that, that may be residing within. But we have to, I think, to tie it back to that-- those basic fairness pieces.

**LOWE:** Thank you.

**CONRAD:** Thanks

**AGUILAR:** Further questions? Seeing none.

**CONRAD:** Thank you. Thank you.

**AGUILAR:** Will you be waiting around to close?

**CONRAD:** Yes, I'll be here. Yeah.

**AGUILAR:** First proponent. Welcome.

**MICHAEL BROWN:** Thank you. I got to tell you, I've never felt more welcomed than I feel in Nebraska. If you people are not the nicest people on the face of the planet, I don't know who is. Let me tell you that it's an honor to be here today. My name is Michael Brown, and I am the nonvoting United States Senator from the District of Columbia, elected like all other senators to a 6-year term. I'm serving my third consecutive 6-year term. I'm honored to be here before the Committee on Government and Military and Veterans Affairs because I come from a military family. My brother Paul was a Vietnam veteran who was an F-111 pilot. My dad was a decorated World War II veteran. My great-great-great-great-grandfather enlisted in the Revolutionary Army when he was-- Colonial Army when he was 17 years old. I have a podcast, and one of my very first guests was Senator Bob Kerrey, who

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we all understand was a wounded Vietnam veteran and a United States Senator. Even though I've never served, I'm proud to say that the VFW, the DAV, the American Legion, and the Women's Veterans Committee have all given me commendations.

**AGUILAR:** If I can interrupt, did you give your name and spell it?

**MICHAEL BROWN:** Oh, Michael Brown, M-i-c-h-a-e-l B-r-o-w-n.

**AGUILAR:** Thank you so much.

**MICHAEL BROWN:** I'm sorry. I'm not asked that question much. I'm going to read a brief statement and then I'll make myself available for questions because I think there's a lot of misconceptions about D.C. statehood. I'd like to thank Senator Conrad and Dungan-- I'm sure I mispronounced that-- for irrigation legislation, LR146. I'd also like to thank Senator Conrad for her gracious invitation and thank the other members of the committee for this opportunity to testify. My constituents have been denied their basic rights of citizenship for more than 200 years, and this is unacceptable in the world's greatest democracy. In spite of the fact that they do not have their equal rights of citizenship, they have never shirked a single responsibility of dem-- democracy. The residents of the nation's capital have always been exemplary citizens paying taxes, serving in our military, taking on every obligation of democracy, and receiving only partial compensation in return. I know that there are proud veterans on this committee who know what it means to risk life and limb in defense of freedom. But imagine what it was like to serve in World War II, knowing that you didn't even have the right to vote for President. My father fought Nazis in Germ-- in Europe for 3 years and couldn't vote for President. I'm proud to represent people with that kind of character, proud to call myself a Washingtonian, knowing that D.C. residents have always cared more about America than their own self-interest. Our Founding Fathers established this great nation through a sacred covenant with the people based on freedom, liberty, and mutual obligation. Although we have faithfully fulfilled our end of the bargain, the government has consistently failed in its responsibility to reciprocate and defaulted on a solemn pledge of citizenship, which forms the basis of all legitimate government. Our nation, one nation individual, not separate, but equal.

**AGUILAR:** That's your time.

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**MICHAEL BROWN:** That's the promise of democracy. If that's my time, then that's my time. But I make myself available for questions.

**AGUILAR:** Senator Lowe.

**MICHAEL BROWN:** I'd love to answer Senator Lowe's question.

**LOWE:** Did you have a little bit more to say?

**MICHAEL BROWN:** I do have more to say.

**LOWE:** Please continue.

**MICHAEL BROWN:** OK. Thank you so much for your indulgence. Let me say that, that we try-- we're tired of hearing irrelevant excuses: too small, go back to where you came from, stop your whining. The framers may have given the power to Congress, Congress, but Thomas Jefferson said the rights were given us by God. Washingtonians have had enough. We've earned our citizenship. We've paid for it with our sacrifices and our blood. Only statehood makes us equal. Only statehood resolves injustice that has resulted in us becoming colonists rather than citizens. D.C. statehood is the fulfillment of an indenture as old as America itself. It was a member of the D.C. militia, Lieutenant Francis Scott Key, who wrote the Star-Spangled Banner, the poem that became our national anthem. Another D.C. soldier, General Butterfield, a Congressional Medal of Honor recipient, wrote Taps. So every time the flag goes up and every time the flag comes down, there's a Washingtonian involved. But when it flies over the capital, we are totally forgotten. As a child, I stood up every morning and I put my hand over my heart, stood next to my desk and said, with liberty and justice for all, I believed it then. I believe it now, and now's the time to change this "inequity," which has outlived its usefulness by 150 years. Lieutenant Francis Scott Key asked the question, does the Star-Spangled Banner yet wave? And the answer to that is yes, Lieutenant, it yet waves; but it's time it waves for all of us. Thank you.

**AGUILAR:** Thank you. Any other questions? Senator Lowe.

**LOWE:** Thank you once again. And once again, thank you to the service to our country and for volunteering to come out to Nebraska and visit God's country.

**MICHAEL BROWN:** Let me tell you, in a room full of veterans, my service doesn't seem like that much.

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**LOWE:** I brought it up to Senator Conrad. The-- at one time Washington, D.C., was part of Maryland and Virginia and maybe dividing it between those 2 states and that way we don't have to expand to the 51st state. And then you would be well represented being part of one of those 2 states.

**MICHAEL BROWN:** Well, I would tell you, Senator, the easy answer to that is that we've been separated longer from Maryland than you have from Kansas. So imagine if we want to shrink the size of government and return you to Kansas. What would you say to that proposition? That that. Yeah, well, Kansas [INAUDIBLE] state.

**LOWE:** Lower taxes.

**MICHAEL BROWN:** Would you-- would you be willing to give up your, your status in the Big Ten to go back to Kansas? Look, it's simple. There's no land in the District of Columbia that was given us by Virginia because they took their land back in the 1800s, fearing that we would be the first place to end slavery, which, in fact, we were. We were the first place to end slavery. So the land that exists now is from Maryland. Maryland would have to accept that, although retrocession, as you point out, would be a form of statehood. Maryland would have to accept it, and they don't want to accept it. We've asked them and they said no, because Washington, D.C., would become the biggest state in Maryland. Maryland only has one big metropolitan area and that's Baltimore. And Washington, D.C., is bigger than Baltimore in terms of population. We're also much more powerful than Baltimore. We also have nothing but Democrats. We have 400,000 Democrats. The Republican Party of Maryland was really not anxious to see us introduce 400,000 Democrats into their state, and we understand that. I've been a Democrat for 40 years. And I say with all temerity to you if it was the other way around and we were all Republicans, the Democrats would feel the same way. But it's time to put patriotism over partisanship. I mean, where are our principles? We-- this country was founded on the principle that you can't tax people without allowing them representation. No taxation without representation. That's what it says on our license plates. That's what we believe in, and that's the way it should be. I sit here in a room full of veterans, and all I can think to myself is there's 40,000 men and women who are comrades of these people who do not have the rights that people who have never served have. They don't have the rights, that they're second-class citizens in every sense of the word. The federal government interferes with everything we do in the District of Columbia. And it not only

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stifles our growth, but it's just against every principle that we supposedly believe in.

**LOWE:** All right. Thank you.

**MICHAEL BROWN:** And I urge you to support this. And the reason this is important for us to have you support this resolution is because of your congressional makeup, because you're all Republicans. You're all Republican Congressmen, all Republican Senators. To have a state come out in support-- a state legislator come out in support of the idea that we should be equal citizens would be tremendous to us. And that's why I came, and I'm so happy I came. Thank you.

**AGUILAR:** Senator Halloran.

**HALLORAN:** Thank you, Mr. Vice Vice Chair. Welcome to Nebraska.

**MICHAEL BROWN:** Thank you.

**HALLORAN:** And you're more than welcome to move here and be properly represented.

**MICHAEL BROWN:** My-- I've been looking for places to retire. My wife won't go anywhere where it's cold.

**LOWE:** It's not cold.

**MICHAEL BROWN:** No, I've been outside. I'm going to tell her. I'm going to say you're wrong, Nebraska is warm.

**HALLORAN:** So how many states have passed this?

**MICHAEL BROWN:** How many states have passed this resolution?

**HALLORAN:** Um-hum.

**MICHAEL BROWN:** It's now before 5 states and you would be the first Republican state. I think 2 other states have done this. Nevada and Iowa I believe.

**HALLORAN:** So 2 total have passed it.

**MICHAEL BROWN:** Yeah.

**HALLORAN:** OK. Thank you.

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**MICHAEL BROWN:** Yeah.

**AGUILAR:** Seeing none, thank you. And thank you for your service.

**MICHAEL BROWN:** Oh, thank you. And this would be a bold move. It really would. Because it's become nothing more than a partisan battle. You know, we like to say it's all about democracy and justice what you do for us. But for everybody else, it's 2 more Democrats in the United States Senate. We understand that. But that's the way it's always been. It was that way with Nebraska. It was that way with Dakotas. It was that way with Hawaii and Alaska. You know, Nebraska is the only state of the 50 states that ever had their statehood petition rejected by Congress. You're the only state that has ever overridden a presidential veto to become a state. So it's always about politics, but it's time to put the politics aside.

**AGUILAR:** Senator Hunt. We've been joined by Senator Hunt, by the way.

**HUNT:** I'm here.

**MICHAEL BROWN:** Hi, Senator.

**HUNT:** Nice to catch you. I wanted to ask if you can speak about the aspect of racial justice that D.C. statehood, you know, in that-- in that type of context.

**MICHAEL BROWN:** Well, in recent history--

**HUNT:** About the D.C. population, you know.

**MICHAEL BROWN:** In recent history, because the majority of the population of District of Columbia has been black, African-American, it's not anymore. They're still the largest population, but it's no longer the majority population. But for many years, congressmen and senators from the South fought statehood and fought right through the District of Columbia because of, of the racial implications of introducing 2 black senators to the United States Senate. I'd like to say that that's always been the case, but it was only 1965 when the district became majority black. So for the first 150 years, it was about politics. It was about control. It was about power. But yes, in the past 100 years, racial-- race has been a major factor.

**HUNT:** OK. Thank you, sir.

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**MICHAEL BROWN:** Yeah. Thank you. And thank all of you for taking an interest in this. You know, as somebody that's been in politics for 40 years, I understand it's not easy to stand up for things that you don't have a vested interest in. And this is one of our, our, our problems. But I think all Americans have a vested interest in this. We all have a vested interest in democracy. And thank you so much for your time. I'm sorry that I have to leave because I have another hearing, which I now have to run back to my hotel room and try to do on my computer.

**AGUILAR:** Are there any other proponents?

**MICHAEL BROWN:** Thank you so much.

**AGUILAR:** Seeing none, are there any opponents? Seeing none, are there any neutral testimony? Senator Conrad to close. While she's coming up, online position comments for the record: 15 proponents, 21 opponents, no neutral.

**CONRAD:** Thank you so much, Senator Aguilar. Thank you so much, members, for your kind consideration and questions. And thanks for extending hospitality to a fellow dignitary from Washington, D.C., who was visiting today. When he ran up against the Dick alarm at 3 or 5 minutes or whatever we have here, I, I really appreciate that hospitality. And I think to Senator Brown's point, you know, it may not seem like we have a vested interest in this in the Nebraska Legislature. But much like a convention of states, we do have remedies within our power to try and right a wrong when we see it or to try and raise awareness where we can. We can agree or disagree about the substance or the strategy. But I do think it's important that when we see an injustice, if we have an ability to utilize our platforms, that we address the injustice and try and find a peaceful solution and a remedy. That's what I'm attempting to do by joining the D.C. Statehood campaign. And I appreciate your kind consideration and our, our friend Senator Brown's trip to Nebraska to share very heartfelt reasons why we should-- we should explore this in Nebraska. And I know reading the online comments, there's a host of very heartfelt comments from our fellow Americans who reside in D.C. as well.

**AGUILAR:** Thank you. Any follow-up for Senator Conrad?

**CONRAD:** OK. Very good. Thank you.

**AGUILAR:** Seeing none, thank you.

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**CONRAD:** And if not, I'm running to Revenue. And I see Senator Bostar is here so he's left Revenue. So we'll do a high five in the-- in the way here.

**AGUILAR:** Welcome up Senator Bostar to introduce LB869. Welcome.

**BOSTAR:** Thank you. Thank you.

**LOWE:** You bring a crowd.

**BOSTAR:** Before I start, I would just like to kindly request that the committee does not give us away to Kansas. Good afternoon, Senator Aguilar and members of the Government, Military and Veterans Affairs Committee. For the record, my name is Eliot Bostar. That's E-l-i-o-t B-o-s-t-a-r. I represent Legislative District 29. I'm here today to present LB869, legislation to permit County Veterans Service Committees the ability to provide aid to anyone who served in the Armed Forces of the United States, was discharged or separated in good standing, and has met residency requirements. Under current law, county veterans' aid and internment services are limited to individuals who have served in the Armed Forces of the United States during a period of war, as defined in Section 84-101 or during a period of actual hostilities in any war conflict in which the United States government was engaged prior to April 6, 1917. This definition excludes many individuals who have served our country honorably and deserve our thanks and support, regardless of the dates during which they served. The unfortunate result is that the County Veterans Service Offices are frequently forced to turn away veterans in need who don't meet these requirements. LB869 removes these period specific requirements and makes county veteran support potentially available to anyone who served in the Armed Forces of the United States, broadening the statutory requirement to include all service members, regardless of when they served, would ensure predictable and reliable benefits coverage for Nebraska's veterans. There's no fiscal impact to the state of Nebraska with this change, which only permits counties to provide aid to all veterans. LB869 does not impact the rest of the eligibility criteria required to receive county veterans aid. In order to qualify, veterans must have been discharged or otherwise separated with a characterization of honorable or general under honorable conditions or died while in service or as a direct result of that service. They must also have legal residence in the state of Nebraska for a period of not less than 1 year, and in the county in which the application is made for a period of not less than 6 months. None of these requirements change under this legislation. Before you is AM2398

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which also addresses a gap in support for our former service members. This amendment stipulates that the Nebraska Department of Veterans' Affairs shall provide domiciliary and nursing home care and subsistence-- subsistence, excuse me, to all persons who either served on active duty in the Armed Forces of the United States or served on active duty for training in the Nebraska National Guard, and who were discharged or otherwise separated with the characterization of honorable or general under honorable conditions. Under current law, members of the National Guard are excluded from this support. The rest of the eligibility requirements for this care through the Nebraska Department of Veterans' Affairs remains the same. The service provided to our state by the men and women of the Nebraska National Guard deserves our recognition, and they and their families should be eligible to receive the same benefits and support as anyone who has served. This legislation was brought to my attention thanks to the work of the Lincoln County and Lancaster County Veterans Services Committees, who have worked to provide support for all former service members who qualify. I want to thank both groups for their efforts, and I believe representatives from both organizations, as well as other Veterans Service Organizations, will testify behind me regarding the need for the expansion of benefits to all who have honorably served our country. AM2398, and the need for the inclusion of the Nebraska National Guard was brought to me by Chairman Brewer, and I would like to thank him for his leadership and support. The changes reflected in legislation and the amendment were brought to recognize the sacrifices made by all of our veterans and former service members who have served honorably. The current limitations in law should be removed in recognition of the service these individuals have contributed to our nation. Thank you for your time and consideration. I would encourage your support of LB869 and AM2398 and be happy to answer any initial questions you may have.

**AGUILAR:** Questions for Senator Bostar? Senator Lowe.

**LOWE:** Well, thank you, Vice Vice Chair and, Senator Bostar, for bringing this bill. So basically, if you didn't serve during wartime, you're not eligible for these benefits.

**BOSTAR:** Correct. Yes.

**LOWE:** Plain and simple. So, so if you served at a time of peace, even though you did serve, you're not eligible.

**BOSTAR:** Correct.

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**LOWE:** Or if you served in-- say you went to Germany and there was nothing, but you still served our country over there.

**BOSTAR:** Correct.

**LOWE:** OK. Thanks for answering my questions.

**BOSTAR:** Yes. This-- frankly, it's time that we, we provide the ability for counties to extend these veteran services to all of our veterans and all of those who served. And that's what this legislation does.

**AGUILAR:** Any other questions? Thank you, Senator Bostar. Will you be here to close?

**BOSTAR:** Wouldn't miss it.

**AGUILAR:** All right. First proponent for LB869.

**THOMAS GANN:** Thank you, Senators.

**AGUILAR:** Welcome.

**THOMAS GANN:** My name is Thomas Gann, T-h-o-m-a-s G-a-n-n. I am a Lincoln County Veteran Service Officer based in North Platte. I'm here to provide my testimony on behalf of LB869. I saw this issue not being able to assist all veterans, and I mean all, when I started as a Lincoln County VSO just a year and a half ago. And I spoke with my veterans board and county commissioners about the approach to get this changed. I would like to thank the great people that have brought LB869 to the point it is today, sitting in this room, VSO Mark Lakamp of Lancaster County and Spike Jordan of Sioux County. I'd also like to thank NACO, Senator Jacobson and Senator Bostar. My Lincoln County Veteran Service Board and my Lincoln County Commissioners, especially Commissioner Micaela Wuehler, who really made this happen. With respect to change the state statute defining veteran for the purpose of receiving county aid currently states that a veteran must have served in the Armed Forces of the United States during a period of war, as the senator mentioned the stat. In some cases, this is a very narrow time frame preventing the county from providing aid to a local veteran who perhaps volunteered after Vietnam ended, but discharged prior to the early 1990s. To believe that a veteran is only a soldier, sailor, or airman that is served in a time of war is inaccurate. And I believe that county aid should be for all veterans who have served their country and otherwise meet the eligibility requirements to receive aid in a time of need. Our office has had to turn down or find

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other ways to assist the peacetime veteran, but this, this should not be the case. Many veterans are peacetime veterans, but they are still also the 1% Americans who volunteer to serve their country. This bill is LB869, but I have made it a more personal, and I've given it the "I Am Willing Bill." A veteran raises the right hand and pledges an oath to serve their country. When these individuals graduate high school or college, they were the very few that said, I am willing to serve because 99% of their classmates, peers, people at their age said, no thank you. This is why I and other veterans and nonveterans believe so strongly in the bill, "I Am Willing." I thank you respectfully, Senators. Got any questions?

**AGUILAR:** Thank you. Any questions? Senator Halloran.

**HALLORAN:** Thank you, Vice Vice Chair Aguilar. Can you just for clarity and for my information give me some examples of county aid?

**THOMAS GANN:** So what county aid is, is so we get a veteran that comes in and they qualify. They served in wartime era. Let's say they just need just a little help that month just to keep the lights on, utility bills, rent, something like that. Maybe they were in the hospital. I can give you an example. I had a Vietnam veteran-- this is one to qualify-- a Vietnam veteran and his wife both were hospitalized so for a long, long time, like a month or something or 2 months. Well, anyway, they came to the office. All I got to do is make a phone call. I get 2 veterans board members, and we can-- they can sign checks and we pay their rent, we pay the utility bills just to get them through. This is not just a fix all, but it's to help them just to get through. You know, like I said, utility bills and that type of thing. I can give you an example of a veteran that does not qualify. Let's say the veteran served from 1980 to 1984. You know, he served, served their country on an aircraft carrier somewhere. That veteran comes into my office and he served during that period, I can't help him because he did not serve in a wartime era. Does that make sense?

**HALLORAN:** That's very helpful. Thank you.

**AGUILAR:** Senator Lowe.

**LOWE:** Thank you and thank you for your service--

**THOMAS GANN:** Thank you.

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**LOWE:** --service that you personally did and your continued service. There's a very limited fiscal note on this. How much are we talking about here for, say, Lincoln County, that this may increase?

**THOMAS GANN:** Right now, it wouldn't increase it a whole lot. That's why it's, it's, it just doesn't make sense to me when I first started. It's not like we're going to get a floodgate. If I'm answering your question correctly, it's not like we're going to get a floodgate of veterans, you know, coming in that change this. It is-- it is a narrow window. But I want to be able to help as long as everyone, all the VSOs here and the veterans here want to help all the veterans. You know, we're all brothers and sisters. We all served. You know, that veteran, it's not their fault or her fault that there was a war going on at that time. Does that make sense? Did I answer your question, Senator?

**LOWE:** When I graduated high school, there wasn't really a war going on so.

**AGUILAR:** Any other questions? Seeing none, thank you.

**THOMAS GANN:** Thank you. Thank you very much.

**AGUILAR:** Thank you for your service. Next proponent. Welcome.

**MARK LAKAMP:** Thank you. Good afternoon, Senators. My name is Mark Lakamp, M-a-r-k L-a-k-a-m-p. I'm a County Veteran Service Officer for Lancaster County. We're speaking on behalf of LB869, on behalf of Lancaster County, the Lancaster County Veterans Services Committee, as well as the County Veterans Service Office Association of Nebraska, and the Nebraska Veterans Council. This bill is a legislative priority of Lancaster County, Nebraska Veterans Council. The County Veterans Service Officers Association of Nebraska does not have formal legislative priorities, but support for this change in state law was unanimously approved at our last business meeting. These organizations strongly support and ask for your support and vote in favor of LB869. This bill will allow the County Veterans Service Committees of the state much greater latitude in serving all the veterans of Nebraska. The genesis of this bill was based on observations of both Lincoln and Lancaster County leadership that there was a gap in the law that prevented both counties from serving all of our veterans. Both counties began independently pursuing this change in state law, and came together in our support as we recognized we were both advocating for the same goal. I'd like to pass on the thanks from the Lancaster

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County Board of Commissioners, the Lincoln County Board of Commissioners for their work in this effort. State law established County Veterans Service Committees to provide a variety of services to the veterans of their counties. One of these services is to provide aid to a veteran or a family of a veteran who is undergoing an unforeseen emergency and requires temporary assistance, provide basic needs such as food, shelter, clothing, or transportation. Current state law only allows County Veterans Service Committees to provide aid to veterans who has had service during a designated wartime period, which for practical purposes is World War II, Korea, Vietnam, Grenada, Panama, Lebanon, and the Gulf War/War on Terror period which continues today. It does not recognize the Cold War as a wartime period. There are several gaps between 1946 and 1950, 1955 and 1961, 1975, 1982, 1984, and 1989. Unfortunately, the Lancaster County Veterans Service Committee has had to turn down aid requests from veterans who honorably served their nation and are now in need of assistance simply because their time of service was not during one of these designated wartime periods. These veterans were either drafted or volunteered to serve their country and wrote a blank check payable to the nation up to including their very lives. Thankfully, that full sacrifice was never necessary, but they were standing by to offer it. Now, in their time of need, we are unable to help them due to the wartime service requirement in state law. LB869 would remove this wartime service requirement and give each county's Veteran Service Committee the ability to provide aid to any Nebraska veteran with honorable service. It does not remove the residence requirements or honorable discharge requirements. Additionally, it does not force counties to provide aid-- provide aid to any veteran who requests it. Rather, it gives them additional options that are currently prohibited. Each County Veterans Service Committee and Board of Commissioners retains the right to craft their county veterans aid eligibility, policies, and procedures to fit their individual county's needs. Please pass LB869 to allow Lancaster County and every county in the state the option to support all of our veterans. Thank you.

**AGUILAR:** Thank you. Questions? Seeing none, thank you. Thank you for your service. Next proponent. Welcome.

**SPIKE JORDAN:** Thank you. Good afternoon, Senators. My name is Spike Jordan, S-p-i-k-e J-o-r-d-a-n. I've worn and continue to wear many hats and helmets in my life. But I'm here today before you to testify in support of LB869 as the Sioux County Veterans Service Officer and as secretary of the County Veterans Service Officer Association of Nebraska. VSOs have a sworn duty to help those men and women who will

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unflinchingly put their best foot forward for our country. As discussed at our association's business meeting last fall, my colleagues in Lancaster and Lincoln Counties informed us that they had recently encountered a flaw in the state statute that precluded them from helping veterans who are in dire need of assistance. As the state law reads today, peacetime veterans cannot apply for and receive aid from a county's veterans aid fund. This is unsatisfactory, to say the least. A strong standing Armed Forces is necessary to the national defense and our sovereign interests. We should not be penalizing a certain class of veterans just because they were drafted or volunteered during a time when our country was not at war. All of us in this room are beneficiaries of the liberties directly afforded to us through the sacrifices made by men and women in uniform. They are paragons of virtue who put their own interests aside in order to serve something bigger than themselves. I'm personally uncomfortable with the concept of excluding one class of veteran from vital and at times lifesaving assistance. Under LB869, County Service Committees still retain discretion and oversight when reviewing and approving applications for aid. Service Committees are still required to demonstrate that the aid and funds were used judiciously and for the intended purposes. LB869 is a crucial reform which unties the hands of our County Services Committees so that they can make the right decision during a veteran's hour of need. As service officers, we swear an oath to provide assistance to our comrades in arms. With LB869, we will no longer be encumbered from carrying out that solemn mission. I'm grateful to Senators Bostar and Jacobson, to my peers in the Veterans Service Officer ranks, the veteran-- Nebraska Veterans Council, and the staff and directors of the Nebraska Association of County Officials for helping us champion this bill. I respect-- I respectfully request that the senators consider our pleas. And if you see fit, expedite the passage of LB869 from committee. I'm more than happy to answer any questions you may have.

**AGUILAR:** Any questions for Mark?

**MARK LAKAMP:** I can provide some clarity on one of the questions that Senator Lowe asked.

**AGUILAR:** Senator Lowe.

**LOWE:** Could you please provide some clarity?

**MARK LAKAMP:** Correct. So under this statute, the Veterans Aid or your County Veterans Service Committee is required to annually meet to

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determine the amount that the committee deems necessary to provide aid, including food, shelter, fuel, wearing apparel, medical or surgical aid or funeral expenses. So those are the things that we tend to use those funds for. As Service Officers, we tend to be more creative and we'll go to those taxpayer funds as last, last ditch effort. You know, there's, there's veterans that really could use this to keep the lights on or keep the heat on, especially that cold snap that we had in mid-January. I just-- I hate to think that we would-- we would be leaving somebody out in the elements like that so.

**LOWE:** Thank you, Mr. Lakamp.

**MARK LAKAMP:** Thank you.

**AGUILAR:** Any other questions? Seeing none, thank you.

**MARK LAKAMP:** Thank you.

**AGUILAR:** Thank you for your service. Next proponent. Can I see a show of hands on how many are planning to testify on this? Thank you. Welcome.

**MICHAELA WUEHLER:** Thank you. Good afternoon, Senators, veterans, fellow Nebraskans. I'm Micaela Wuehler, M-i-c-a-e-l-a W-u-e-h-l-e-r. I am the district 3 Lincoln County Commissioner. I stand in support of LB869. I am privileged to work with the Lincoln County Veterans Service Officer, Tom Gann, and his VSO board. Tom discovered a limitation in Nebraska statute that restricted his ability to help our veterans. LB869 efforts were born that day that he came to me in Lincoln County. Also recognizing this deficiency, Lancaster County VSO Mark Lakamp was working to the same goal. With the guidance of NACO, these VSOs combined forces and championed to bring this request before you today. LB869 proposes an update that would give Nebraska County VSOs latitude to help all county veterans in crisis. Currently, Nebraska statute 80-102 excludes a small group of peacetime veterans from receiving emergency one-time assistance using our county funds. These are funds set aside at the county level to help county veterans. This critical one-time assistance is used when veterans experience unexpected hard times. Help may be as small as a bag of groceries, a tank of gas, or a utility bill. This small assistance at the county level may prevent the beginning of a downward spiral. Each case will be diligently vetted by the VSO and their board to validate the need. Imagine a Nebraska veteran who served their country from 1975 to 1982 who suffered an unexpected hardship, being denied week-- a week's worth of

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groceries to tide them over until their next paycheck arrives. Or a Nebraska veteran couple who both fell sick at the same time denied a one-time request to help pay their utility bill to prevent disconnect while they get back on their feet. Lincoln County passed Resolution 2403, excuse me, 2024-03 to support LB869. It's attached to my testimony. We are committed to providing the funding. The fiscal impact would be minimal. This change would help veterans who, if called upon, were willing to sacrifice it all to protect our country. This small change has the potential for big, meaningful impact for a few deserving veterans. Every county commissioner that I've spoken to across the state supports LB869. To Tom Gann, Melissa Spading, Mark Lakamp, Spike Jordan, Beth Ferrell, Elaine Menzel, Senators Jacobson, Bostar, Day, Brewer and Joe Murray, and many more people, thank you all for recognizing this problem, coming together, finding a solution. It's efforts like this that make Nebraska the great state that it is. This is the best work we can do. Let's make a change. No group is more deserving. Thank you for supporting this effort.

**AGUILAR:** Thank you, Micaela. Did I understand you to say that the funds are already in place?

**MICAELA WUEHLER:** Yes. The funds. The funds are there. Since I've been a commissioner, I watch that fund fairly closely. And it doesn't change much in Lincoln County.

**AGUILAR:** That's a very Important point. Thank you.

**MICAELA WUEHLER:** Yes, it doesn't change much. I did submit a fiscal note. I believe somebody asked a question about that. While it's hard because this isn't been something we've been able to do yet, we did track how many veterans Tom Gann had to deny service to. And then we figured with a heavy hand because we wanted to be honest with our numbers. And for Lincoln County last year, it would have been less than a \$1,500 impact. And, and we are willing to provide that funding. Funding, it's, it's already there and we need to use it to help these veterans.

**AGUILAR:** Thank you. Questions? Question, Senator Brewer? Seeing none, thank you.

**MICAELA WUEHLER:** Thank you.

**AGUILAR:** Thank you for what you do.

**MICAELA WUEHLER:** Thank you. Thanks to all the veterans in the room.

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**AGUILAR:** Next proponent. Any other testifiers come up front, please. Welcome, Jon.

**JON CANNON:** Good afternoon. Vice Chair Aguilar, Chairman Brewer, members of the Government, Military and Veterans Affairs Committee, my name is Jon Cannon, J-o-n C-a-n-n-o-n. I'm the executive director of NACO, which is the Nebraska Association of County Officials. We represent, represent all 93 county governments in Nebraska. And I want to thank Senator Bostar for bringing this bill. You know, Micaela Wuehler, Tom, Mark, Spike, they've, they've all done yeoman's work in getting this thing in front of you today. And there's not much I can really add, just a couple things I want to go over. I mean, first of all, I think everyone in this room probably remembers the Cold War. And there were a lot of times that the Cold War ran hot. I, I was too young to be serving during then, but I have 2 parents that did. They were both prior enlisted, and they earned their commission as officers in the United States Air Force. A lot of friends of mine had families that would PCS over to Korea. And their parents would serve in the DMZ in, in, in South Korea, which was probably the most dangerous place on Earth and still is to this day. But by virtue of the fact that they served between a narrow window of time, they would be ineligible for a benefit like this. As Micaela had mentioned, it's not something that is going to really stress the citizens of each of our counties. But by the same token, it's going to make a world of difference for our veterans. And the reason I-- that I wanted to testify on this particular bill, and this is-- this is an important bill for NACO. The reason I wanted to testify on this is because of the nature of how county government operates in Nebraska. We are a Dillon's Rule state, which you've all certainly heard a zillion times before. But what that means is that counties do not have any authority other than what is granted to them explicitly by the Legislature or the constitution. If we were a home rule state, and if you guys want to go that direction, I'm happy to have that conversation, you know, of course, the calculus becomes a lot different. But as, as a result of the fact that we're a Dillon's Rule state, we require that authorization by the Legislature. And that is what we were asking for, is the authority for our counties to provide that service to the veterans that just served during a particular window of time, where they would otherwise be ineligible under our current statutes. I'm happy to take any questions you may have.

**AGUILAR:** Any question for Mr. Cannon? Senator Lowe.

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**LOWE:** Thank you. If a county does not want to do this, are they allowed out?

**JON CANNON:** There--

**LOWE:** I can't imagine why they would not want to but.

**JON CANNON:** I would hate to be the commissioner running for reelection on-- after that vote. But yes, they would. It would-- it would give counties the authority, but not the obligation.

**AGUILAR:** Any further questions? Seeing none, thank you.

**JON CANNON:** Thank you very much.

**AGUILAR:** Next proponent.

**BOYD YOCHUM:** OK if I walk over. Thank you. I'm Boyd Yochum, B-o-y-d Y-o-c-h-u-m, senior vice commander for the American Legion Department of Nebraska. American Legion supports LB869. We represent 27,000 Nebraska Legionnaires. And we feel that this bill is good for all veterans. Thank you.

**AGUILAR:** Thank you. Questions? Thank you for your service. Next proponent.

**RYAN McINTOSH:** Good afternoon, Chair. Brewer, members of the committee. My name is Ryan McIntosh, M-c-I-n-t-o-s-h, and I appear before you today on behalf of the National Guard Association of Nebraska. Although we certainly had this bill on our tracker as a support position, well ahead of getting a copy of the amendment proposed by Senator Bostar, I will speak to that. Thank you to Senator Brewer for bringing this to Senator Bostar's attention; to Senator Bostar for agreeing to include in the amendment members of the National Guard. As we've talked about, veterans being overlooked that have served during peacetime in those narrow windows, I'll also note that our men and women of our National Guard may enlist major-- may have put up their hand to serve in the National Guard during wartime, though they may never have that full call to service to deploy overseas into a combat zone. They are not currently eligible under state law. This would correct that. And so we very much urge the committee to adopt the amendment to include our National Guard forces that don't otherwise qualify under current law. Thank you.

**AGUILAR:** Question for Ryan? Seeing none, thank you.

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**RYAN McINTOSH:** Thank you.

**AGUILAR:** Next proponent.

**JEFFREY BAKER:** Good afternoon. Chairman Brewer and Vice Vice Chairman Aguilar, my name is Jeffrey Baker, J-e-f-f-r-e-y B-a-k-e-r. And I am here to testify on behalf of the Veterans of Foreign Wars Department of Nebraska as a proponent of LB869, which proposes positive changes to provisions governing county veterans aid and burial services. The VFW Department of Nebraska believes that LB869 harmonizes the statutes related to relief to veterans, their dependents, and their surviving spouses and contributes to providing a more adequate safety net for Nebraska's heroes. Its intent of allowing Nebraska's counties the right to expand eligibility to all individuals who have been issued an honorable or general discharge furthers the position by the Nebraska Unicameral of prioritizing, recognizing, and honoring veterans' sacrifices to their community, state, and nation. LB869 provides an opportunity to counties to increase resources to County Veteran Service Officers and will-- and will allow for Nebraska's veterans to receive necessary relief when it is deemed appropriate by local jurisdiction. County Veterans Service Officers and Nebraska's counties are on the front lines, and they need as much flexibility as possible to provide services to their local veterans. We extend our thanks to Senator Bostar, the Nebraska Association of County Officials, and the County Veterans Service Officers Association of Nebraska for their support of this bill. We'd also like to recognize the hard work of Lancaster County Veterans Service Officer Mark Lakamp and Lincoln County Veterans Service Officer Thomas Gann for their work in bringing this priority to their respective boards and their boards' commitment to supporting their local veterans. Again, the VFW Department of Nebraska appreciates the opportunity to support LB869, and I am happy to answer any questions that the committee should have.

**AGUILAR:** Thank you. Any questions for Jeffrey? Seeing none, thank you.

**JEFFREY BAKER:** Thank you.

**AGUILAR:** Thank you for your service. Next proponent. Are there any opponents? Seeing none, are there any neutral testimony? Seeing none, Senator Bostar, you're welcome to close. While you're coming up, for the record position comments: There are 5 proponents, no opponents, no neutral.

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**BOSTAR:** Thank you, Senator Aguilar, members of the committee, Chairman Brewer, not a lot really to be added. This is my favorite kind of bill. It's a bill that helps people, doesn't cost the state-- doesn't cost the state function any money, doesn't cost much money in general, creates voluntary good programs, is widely supported by a lot of really, really amazing people and was identified and worked out all ahead of time as identifying it, figuring out that this issue existed and that needed to be addressed. Again, I want to thank Senator Jacobson, who, you know, it was Lincoln County, Lancaster County who really brought this forward initially. So working with Senator Jacobson on this, and we both care a lot about this issue. And, and Chairman Brewer for the amendment to further take what was a great bill and make it even better. With that, I'm happy to answer any final questions, and I would ask for your support.

**AGUILAR:** Thank you. My first question is, why wasn't this done a long time ago?

**BOSTAR:** My, my apologies, Senator.

**AGUILAR:** And I'll be filling out the paperwork to sign onto that bill as well. Any other questions? Senator Brewer.

**BREWER:** Just, just a quick comment. Get with me tomorrow. This is obvious consent calendar stuff. Let's get it on the docket. The Speaker said he's looking for stuff next week. Let's, let's get it on the list.

**BOSTAR:** Great. Thank you.

**AGUILAR:** Thank you, Senator Bostar.

**BOSTAR:** Thank you.

**AGUILAR:** Next up, we're going to have LB1037 by Senator Brewer. Chairman.

**BREWER:** Well, I wish I could tell you that I was successful in going down and presenting in front of Judiciary, but they are still on their first bill and a handful of testifiers is all we got through. So consequently, we're going to-- we're going to go through LB1037 and then I may have to race down there to do that. So with that, Senator Aguilar, members of the Government Committee, I'm Senator Tom Brewer. For the record, that's T-o-m B-r-e-w-e-r, representing 11 counties of the 43rd Legislative District. I'm here today to introduce LB1037 on

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behalf of the Nebraska Chapter of the Veterans of Foreign Wars. The problem this bill is trying to solve is keeping swindlers, con men, individuals from, from taking advantage of Nebraska veterans and charging them for veterans services that they do not end up receiving service for. This will prevent individuals or companies from defrauding Nebraska veterans or their dependents or survivors from being defrauded. This bill prohibits the act of preparing, presenting, or presenting claims before the United States Department of Veterans Affairs, U.S. Department of Defense, or the Nebraska Department of Veterans' Affairs by someone who does not adhere to the federal or state regulations or adhering to the training standards, and therefore, unrecognized by the state or federal statutes in performing these duties. The intent of LB1037 is to ensure that no person or company is allowed to purposely to file regulations, false-- falsely proposed favorable or results that will confuse individuals-- individual veterans, mislead and charge unreasonable fees or payments. LB1037 designates this-- designates that this practice and behavior is a violation of the Nebraska Uniform Deceptive Trade Practices Act and provides remedies through enforcement, prosecution, and penalties under those specific statutes. LB1037 is a no-nonsense, commonsense legislative bill designed to deliver a simple message. No person or company will defraud a veteran or their dependents from benefits that they have earned through their service to their community, their state, and their nation. Subject to your questions, this concludes my opening.

**AGUILAR:** Thank you, Senator Brewer. Questions? Seeing none, thank you.

**BREWER:** All right. And what I'll do is try and get out, get back in time to close. But if I'm not back, then I'll waive the close.

**AGUILAR:** Very good. First proponent to LB1037. If you would like to testify on this bill, please come up to the front. Welcome.

**DOUG WHITAKER:** Good afternoon, Senators. My name is Doug Whitaker, spelled D-o-u-g W-h-i-t-a-k-e-r. I am a resident of Papillion, Nebraska. I'm also currently the VFW National Judge Advocate. LB1037 protects disabled veterans from bad actors when applying for VA compensation. VA compensation is a benefit provided to veterans due to disabilities, diseases, or injuries incurred or aggravated during military service. To access these benefits, veterans must first file a claim with the VA. For disabled veterans, preparing such a claim can be stressful, burdensome, and overwhelming. To protect veterans needing assistance, federal law requires that no individual may assist

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in the preparation, presentation, and prosecution of VA claims as an agent or attorney unless they are VA accredited. In essence, accreditation means that an agent or attorney has met strict professional and ethical standards established to prevent veterans from being exploited. In Nebraska, we have an exceptional network of accredited state and county veterans service officers, as well as VA accredited veteran service organizations who never charge a fee for these services. Nonetheless, Nebraska veterans do have a choice in retaining private agents and attorneys who are also VA accredited. Although these individuals are prohibited from charging fees for work performed on initial claims, they are allowed to charge for services performed when appealing an initial VA decision. But even then, fees on appeal are subject to a reasonableness standard. Some veterans prefer making this choice, and LB1037 does not prevent them from doing so. However, as with any federal program, there are bad actors who try to circumvent or break the law for their own personal gain. In the veteran community, these actors are known as claim sharks. Claim sharks allege they are merely educating or guiding veterans through the claims process. Therefore, they do not need to be accredited when in fact they are unlawfully charging veterans for preparing, presenting and prosecuting both initial claims and appeals. Their goal is to get as much of the veteran's VA compensation as possible, without having to comply with federal law and its limitations on fees. They induce veterans in unconscionable and unlawful fee agreements by guaranteeing an increased disability rating, as well as expedited claims processing times, which no agent or attorney can do. Then to ensure they collect their unlawful fee, they relentlessly bill the veteran, eventually sending them to collections, which causes harm to the veteran's credit score. If passed, LB1037 will expressly make these unscrupulous practices a violation of the Deceptive Trade Practices Act, just like any other fraudulent commercial activity the Unicameral has already prohibited. LB1037 does not impact any agent or attorney that is in compliance with federal law subject to that.

**AGUILAR:** You can finish your thought.

**DOUG WHITAKER:** I'm done, sir. That was my last word. I timed that one good, didn't I?

**AGUILAR:** Any questions for? Seeing none, thank you.

**DOUG WHITAKER:** Thank you.

**AGUILAR:** Thank you for your service. Welcome.

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**CHRIS BEATY:** Welcome. Thank you. Good afternoon, Vice Chairman Aguilar and the committee. My name is Chris Beaty, I spell C-h-r-i-s B-e-a-t-y, the VFW Commander for the Department of Nebraska. I'm here to voice my support for Chairman Brewer's bill of LB1037. The VFW has expanded its outreach to veterans throughout the state for the last 2 years. We have attended county and state fairs, golf tournaments, rodeos, home shows, trade, sports, and gun shows. We have spoken to veterans to find out if they file their claim for benefits for in compensation, pension, and enrollment in the VA. Throughout our travels, we've found numerous veterans that have filed neither nor had they-- nor have they the misconception of how the system works. We have confidently referred them to county and state veterans service officers to determine their eligibility. Hearing all the commercials on the news media and online, veterans are believing they must contact a lawyer or pay a fee to get these benefits. This is incorrect unless there are unusual circumstances. To file a claim with a county or state service officer or veteran service organization service officer, there's absolutely no charge. This is a free service. We tell veterans, always work with accredited representatives. Do not sign contract. Do not agree to fees for prospective benefit payments. Do not agree to pay for medical consultations of opinions. Do not provide access to PHI/PII to unaccredited individuals. There are companies that operate in this great state of Nebraska that have misled veterans or surviving spouses, in particular, into thinking they must pay for this service. A perfect example of this is actually a veteran needing assisted living care. The veteran was told that no need to go to a veteran service officer because the facility had partnered with a company that would file a petition for them for free. Unfortunately, following their first month in the facility, they received a statement that included a \$700 fee for the petition application. This has got to stop. LB1037 is the-- is the answer to preventing this illegal and unethical practice in the future. Thank you for your opportunity to testify today, and I'm happy to answer any questions you might have. However, you will be hearing from my quartermaster adjutant later on and he will likely defer any technical questions for him to answer.

**AGUILAR:** Any questions from the committee? Seeing none, thank you. Thank you--

**CHRIS BEATY:** Thank you.

**AGUILAR:** --for your service. Welcome.

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**GREG HOLLOWAY:** Good afternoon. I am Greg Holloway, G-r-e-g H-o-l-l-o-w-a-y. I am the current Commander of-- chairman of the Nebraska Veterans Council. And we represent all the recognized veterans organizations and the County Veterans Service Officers Association. And we unanimously agree with this that we do support this bill 100%. I was also a nationally accredited service officer military [INAUDIBLE] the Purple Hearts. The key is, was. I'm not anymore. I retired from that and didn't keep up my accreditation. So I cannot, as far as I'm concerned, represent any veteran in a veteran service claim and even, even without asking for money. So. I just really-- everybody's going to say everything that should be said. But I was going to say anybody that would oppose protecting the citizens of the state of Nebraska, I would discredit immediately because this is our job as a veterans community and the senators in the state of Nebraska to make sure that residents of the state of Nebraska are protected within the law as much as they possibly can. Any questions? I will answer them.

**AGUILAR:** Questions? Seeing none, thank you.

**GREG HOLLOWAY:** Thank you.

**AGUILAR:** Thank you for your service. Welcome--

**BOYD YOCHUM:** Thank you

**AGUILAR:** --back.

**BOYD YOCHUM:** I'm Boyd Yochum, senior vice commander for the Nebraska American Legion. We represent 27,000 veterans in Nebraska and Legionnaires. I think the bill is worded too nice, but that's my opinion. The purpose of this bill is to protect Nebraska veterans from being defrauded by predator ambulance chasers that collect fees from veteran benefit matters.

**AGUILAR:** Boyd, would you spell your name for us, please.

**BOYD YOCHUM:** Y-o-c-h-u-m is the last name. Boyd, B-o-y-d.

**AGUILAR:** Thank you.

**BOYD YOCHUM:** Thank you. Services provided to veterans by county veterans service officers that are already paid for with our tax dollars and the services, they're done for the veterans for free. I have seen where 30 to 70% of veteran earned compensation goes to

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predator lawyers. If something changes and the veteran is awarded further compensation down the lower or down the road, the lawyer still gets their percentage. It's just not right. And so the American Legion supports LB1037. Thank you.

**AGUILAR:** Thank you. Thank you, Boyd. Any questions? Seeing none, thank you. Next proponent.

**SPIKE JORDAN:** Handouts and I saved one for myself this time so. Good afternoon, Senators. Again, my name is Spike Jordan, S-p-i-k-e J-o-r-d-a-n. I'm here to lend my support to Colonel Brewer and to LB1037. I would have not made the 7-hour drive down today if I were not passionate about this issue. I've been blessed with the honor of helping veterans in northwest Nebraska as the Sioux County Veterans Service Officer. I've undergone hundreds of hours of professional training, and I'm accredited through multiple service organizations in order to better assist veterans in obtaining the benefits that they have earned. I do not charge the veterans who come to me for help. Instead, I receive a modest monthly salary from the county in order to perform that necessary duty. If I'm successful in my mission, the veteran will not only receive free a-- free healthcare from the VA, but also tax-free monthly compensation for the disabilities they incurred while serving our country. Our veterans deserve a VSO in their corner. However, a shameless cottage industry has been operating under our noses. It's a confederacy of confidence men, predators and parasites who have suckered Nebraska's veterans and spouses into signing binding contracts to, quote, assist them with obtaining VA benefits. The deceptive practices of these so-called claim sharks take advantage of our veterans by charging unnecessary fees and by leeching off of the monthly disability and pension checks, which many veterans and their spouses use to survive. Such operations are an insult to the taxpayer, to our veterans and their families, and frankly, they're an insult to this country. Claim sharks lack the necessary experience, credentials and ethical constitution required to effectively prepare, present and prosecute VA claims. Yet they maintain a lucrative enterprise, charging veterans for things which county and state service officers can already provide at no cost to the veteran. Contrary to what was claimed in the text messages many Nebraskans received on Monday afternoon, nothing about LB1037 prevents a veteran from seeking professional assistance in obtaining VA benefits. LB1037 does not limit their choices when they seek qualified professional representation. What LB1037 does is define these chicaneries as violations of the Uniform Deceptive Trade Practices Act. Attorneys and agents who represent clients before the VA are required to comply with

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the existing codes of conduct and ethical standards, as well as existing Nebraska laws. If fees are charged for services, they can only be under the allowable circumstances found in federal law. I would ask the senators to please help us put these bad actors out in the cold. Please help us curb these unsavory, unethical practices. Please help us pass LB1037. Thank you for your time, and I'll be happy to answer any questions you may have.

**AGUILAR:** Any questions? Seeing none, thank you.

**SPIKE JORDAN:** Thank you.

**AGUILAR:** Next proponent.

**MARK LAKAMP:** Good afternoon, Senators.

**AGUILAR:** Welcome.

**MARK LAKAMP:** My name is Mark Lakamp, M-a-r-k L-a-k-a-m-p. I'm a county veteran service officer for Lancaster County. Today I'm speaking in support of LB 1037 as a Department of Veterans Affairs accredited Veteran Service Officer. I won't repeat, we all have some, I guess, what the other witness points are and why this bill is required. And so I'll point-- instead, I'll point out there's absolutely no reason for any veteran in the state of Nebraska to pay for assistance in filing a claim with the VA. No matter where a veteran lives in the state, there are trained experts who can help them file claims with the VA at absolutely no cost. Every county in the state has accredited veteran service officers with salaries paid by their county to assist veterans in filing claims with the VA. The State Service Office of the Nebraska Department of Veterans' Affairs has accredited service officers whose job is to assist veterans in filing claims. Additionally, the various veterans service organizations in the state have accredited VSOs do the same thing. There are over 140 VA accredited VSOs listed in Nebraska on the VA Office of General Counsel's accreditation website. These VSOs are trained in how to file all types of claims, including appeals, with the VA. They must complete annual continuing education requirements and most importantly, they are held to an ethical standard required of, of accredited VSOs. None of the accredited-- nonaccredited claims consultants LB1037 will ban can say this. These claims sharks LB1037 will eliminate are not accredited by the VA. They're not held to any ethical standard. They do not complete regular training. And most importantly, they are not working for the benefit of the veteran. They

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only exist to enrich themselves from taking a portion of the money that a veteran is rightfully entitled to, often using unethical means. The fact they are paying to send misleading texts of veterans to oppose LB1037 shows how unethical they are. Please do what is right to help prevent these claims sharks from preying on Nebraska veterans by making LB1037 state law. And I'll standby for any questions you may have about the claims process or anything else. Thank you.

**AGUILAR:** Thank you. Any questions? Seeing none, thank you. Any other proponents? Welcome back, Jon.

**JON CANNON:** Thank you, Vice Chair Aguilar, members of the Government, Military and Veterans Affairs Committee. My name is Jon Cannon, J-o-n C-a-n-n-o-n . I want to be very, very clear I am not testifying in my capacity as executive director of NACO. I'm here in my own personal capacity, taking about a half an hour of vacation, and hopefully the board approves this later on. I want to thank Senator Brewer for bringing this bill. I think it's extremely important. We had considered this at the NACO board. And I just said I'm not representing NACO, but we had considered this as a board issue. Ultimately, we decided it was not strictly a county issue. It was something that was really more the Unfair Deceptive Trade Practices Act. It prohibits fraud. There's nothing inherently wrong with the bill. And so we said, you know, the veterans probably have this one handled. And then I got a text on Monday afternoon, and I'm just going to read it, if that's all right. It says: Warning for Nebraska veterans. Nebraska bill LB1037 threatens, threatens to limit veterans' choice to seek expert assistance with VA disability claims. Veterans in Nebraska would no longer be allowed to receive professional service and support when navigating the VA's complex disability claims system. There's a lot more that says, you know, you should submit comments to the website. I don't think I need to go into that. I would certainly urge you to ignore any of those comments that you might receive since I think they were obtained under false pretenses personally. And what that text does is it demonstrates the point. There are some people out there that probably don't feel that they're bound by any, any sort of ethical boundary that might require them to, you know, say who they are, who they represent and who's paying for them. We have great VSOs across the state, and they certainly have done an able job of representing themselves before this committee in the past and certainly today. We are not interested in and the reason NACO did not take the bill up is because NACO is not interested in making all veterans go to just the VSOs because we know that there are capable attorneys, law firms that are out there that have been accredited. And

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we don't want to discourage that by any stretch of the imagination. Again, I will stress the fact that I'm not here representing NACO, but I am happy to take any questions you may have.

**AGUILAR:** Any questions for Jon? Seeing none, thank you.

**JON CANNON:** Thank you very much.

**AGUILAR:** Next proponent. Welcome.

**RYAN McINTOSH:** Good afternoon, Senator Aguilar, members of the committee. My name is Ryan McIntosh, M-c-I-n-t-o-s-h, and I appear before today on behalf of the National Guard Association in Nebraska. I won't belabor my testimony. I'll just simply point to those that have testified before me and ask the committee to urge this, as it is a measure that does affect many, many of our members, including, our current and retired members. Thank you.

**AGUILAR:** Any questions? Thank you.

**RYAN McINTOSH:** Thank you.

**AGUILAR:** Next proponent. Welcome.

**JEFFREY BAKER:** Thank you. Mr. Vice Vice Chairman Aguilar and members of the Government, Military and Veterans Affairs Committee, thank you for the opportunity to speak here today. My name is Jeffrey Baker, J-e-f-f-r-e-y B-a-k-e-r, and I am here to testify on behalf of the Veterans of Foreign Wars of the United States Department of Nebraska as a proponent of LB1037, which prohibits the unethical conduct and improper collection of fees relating to assistance or referrals of veterans' benefit matters and outlines ethical standards. In an effort to not duplicate the testimony of other proponents, I would like to talk about a few numbers that are a reflection of the VFW Department of Nebraska's position on LB1037. These numbers will demonstrate the reasoning for and the importance of LB1037 and its passage in this Unicameral session. The first number I would like to testify about is the number zero. This number represents the amount of money the Veterans of Foreign Wars, American Legion, Disabled American Veterans, Paralyzed Veterans of America, the Marine Corps League, and AmVets receives from veterans in Nebraska when working with veterans on VA benefits. Zero also represents the concern that the VFW Department of Nebraska has with accredited agents or attorneys representing veterans in Nebraska, because they meet the VA requirements under 38 CFR. Lastly, zero represents the times the Nebraska Veterans Council has

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taken a position on any legislative bill ever in which an out-of-state company has hired a lobbyist or has mass text messages sent out deceiving Nebraskans about one of its priority bills until a week ago with LB1037. I include references in your packets for review. The second number I would like to speak about is the number 100. This number represents the 100th Legislature when a former senator introduced overhauling language to the Deceptive Trade Practice Act, which prohibits schemes from defrauding by means of obtaining money or property by knowingly false or fraudulent pretenses, representations or promises, was introduced and signed into law. Although this bill was introduced to combat live checks, solicitations and unsolicited billing statements, the statement of intent of the previous bill provides a specific general fraud provision that characterizes the intent of LB1037 today. The third and last number I would like to speak about is the number 15,000. The number represents the amount of money the VFW Department of Nebraska awarded youth across Nebraska in scholarship winnings and travel costs associated with our Voice of Democracy and Patriots Pen programs, programs that encourage Americanism and patriotism in today's youth. But it also represents the amount of money contracted for this legislative session by an out-of-state company to hire a lobbyist to try to derail LB1037 and convince you and your fellow senators that (1) a Las Vegas company knows what is best for Nebraska, and (2) that every single veteran service organization in this state does not. I ask you for your support of LB1037 and vote it on to General File as soon as possible. The veterans of Nebraska deserve to be protected. Thank you for the opportunity to speak today, and I'm happy to answer any questions that you may have.

**AGUILAR:** Any questions? Seeing none, thank you.

**JEFFREY BAKER:** Thank you, Vice Vice Chair. They need to get you up a name badge. Thank you.

**AGUILAR:** Any other proponents? Seeing none, are there any opponents? Welcome.

**PETER O'ROURKE:** Thank you. Thank you, Vice chairman. Thank you, members of the committee. My name is Peter O'Rourke, P-e-t-e-r O'R-o-u-r-k-e. I'm currently the president of the National Association for Veteran Rights and the former acting secretary of the Department of Veterans Affairs and I'm here to oppose this bill. We've heard some very passionate testimony today, and I appreciate that. Unfortunately, I think what we've missed, although it's been mentioned briefly, is

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that veterans do have a right to choose who helps them with their disability claim. And has been already mentioned, that is a very complex process, it's a very broken process and has been for as long as we've been talking about doing these claims. My experience with VA disability claims goes back to 2007 with major backlogs each time. And each time the answer was let's hire more people, let's do more, you know, work. But we've never actually had a solution and I think until now. And that's been recently when we allowed veterans to fully develop their own claim and provide it to the Department for adjudication by the VA to to say-- to decide whether their disability claim is valid or not. And the way you can have that done is you can work with an accredited VSO or any VSO. There's many VSOs out there that don't have accreditation that also help veterans, many charities that do this, many wives, many cousins, many brothers and sisters that help their veterans get these claims done. What we have today is companies that we represent through the association that are veteran owned, that are mostly veteran employed, that are committed to try to figure out a way to help these veterans compile their medical evidence, provide it to the VA and have a timely and accurate initial claim developed so that they don't get caught into an appeals system that I can personally attest to you is 3 years of hell that you will go through. And unfortunately, you will pay 33.5% of your backpay to those accredited attorneys once you finally get that claim adjudicated. So we do have a broken system with the perverse incentive where if you want to choose to have somebody accurately do your initial claim, you need to go find somebody that's expert in the system. That can be a private company, that can be a VSO, that can be whomever you might be able to find. If you're lucky enough to find somebody competent, you stick with those people and you move forward. What this bill is going to eliminate anybody but the people that VA says is accredited. And right now I can tell you that is problematic regardless of what you've heard today. Thank you for that and I'll address any questions.

**AGUILAR:** Questions? Senator Halloran.

**HALLORAN:** Thank you, Vice Chair Aguilar. Mr. O'Rourke, are there any bad players out there?

**PETER O'ROURKE:** Absolutely.

**HALLORAN:** What do we do about that?

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**PETER O'ROURKE:** So initially, the VA said they had no ability to oppose these people or do anything about them, which is frankly just laziness on their part. So what we decided to do is to form this association, identify good actors, what they are, how they operate and bad actors and what veterans should look for. And so we promote good actors and we will expose bad actors, the same goals that the VSOs here today are talking about. But I'm not going to confuse that with aide and attendants or nursing home issues. The VA benefits process and benefits that we have are very complex, and bad stories come in, in all different areas. And disability claims, there are specific ways that you can get help. There are specific things that good actors should do. And if you don't fall in that category, then you should be called out and you should be convicted under existing fraud law today, which is possible.

**HALLORAN:** You think we're doing enough in that regard--

**PETER O'ROURKE:** Absolutely not.

**HALLORAN:** --to call out the bad players?

**PETER O'ROURKE:** No, not from a VA perspective. And that's why we had to form this association to call these folks out. We commissioned our own study to find out who all the, the businesses are in this industry, to assess what kind of procedures they do. And so as we go through that, they're either going to fix the way they do business or they're going to be exposed for going out of business. That's our commitment.

**HALLORAN:** So how would they be exposed and end up going out of business?

**PETER O'ROURKE:** Well, our only solution from an association standpoint is just to expose them and specifically expose who they are and how they're doing business, not just generalities about here's some bad things that may have happened or be nonspecific. So we're building what that analysis really looks like and then, then provide that publicly. But we've only been around since November so we're still having some work to do.

**HALLORAN:** OK. Thank you.

**AGUILAR:** Further questions? Seeing none, thank you.

**PETER O'ROURKE:** Thank you.

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**AGUILAR:** Any other opponents? Welcome.

**RAY COLAS:** Chairman, members of the committee, my name is Ray Colas, R-a-y C-o-l-a-s. I'm here on behalf of the Veterans Benefits Guide, or VBG, today to testify in opposition to LB1037 as currently written. Now, VBG provides veterans with a private, legal, federally compliant op-- alternative option to the Veteran Affairs, ensuring that veterans receive the full benefits that they've earned. Now, VBG supports Senator Brewer's efforts to protect veterans in the state; but unfortunately, this bill prohibits the honorable for-profit organizations such as ours from being able to continue to provide its services in the state. LB1037 would roll back Nebraska's free market laws that support freedom of choice, representation, and access to veterans services, while also creating a disservice to fellow veterans in the state by allowing or favoring select veteran service organizations or VSOs over similar-- similarly service organizations that have been created for veterans by veterans. Now, the proponents of the bill have inaccurately and intentionally insinuated that organizations such as ours choose not to be accredited. However, federal law states that no individual may act as an agent or attorney in the preparation, presentation, or persecution [SIC] of any claim under laws administered by the Secretary without first being accredited. I would like to state for the record that we do not practice law. We do not act as the veteran's agent of record, and we do not present before the VA. Federal law also states that VA recognized VSOs and their representatives always provide their services on benefit claims free of charge, and that only VA accredited attorneys and claim agents may charge fees for assisting-- for assisting in the claims for VA benefits. Simply put, as an accredited VSO or an accredited representative, there's no path for services for honorable, for-profit companies such as ours to continue to serve veterans. And that is our opposition to this bill. In fact, we have ideas to make this bill-- strengthen this bill to protect veterans. Unfortunately, the bill as currently written proposes to increase the cost of veterans while reducing freedom of choice, representation and access to veterans services. It is for this reason we cannot stand here today to support LB1037. I'd like to thank the Chairman, Senator Brewer, for the opportunity to engage on LB1037 and respectfully ask the committee to vote no.

**AGUILAR:** Questions for-- Senator Lowe.

**LOWE:** Thank you, Vice Chair Aguilar. What does your organization do that the veterans service organizations don't do?

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**RAY COLAS:** Well, we provide a paid-for service. So the--

**LOWE:** So theirs is free, yours is paid.

**RAY COLAS:** That's correct.

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

**AGUILAR:** Senator Halloran.

**HALLORAN:** Thank you, Vice Chair Aguilar. The previous testifier handed out-- one of his handouts shows dozens of complaints and most of them are in regard to VBG.

**RAY COLAS:** I'm not sure what you have before you, but I do know we have our own statistics as to the number of complaints that somebody else can address.

**HALLORAN:** So do you have statistics on the number of complaints that you have?

**RAY COLAS:** Not, not on hand. I was not prepared to answer. I'm not sure what you're looking at in order to confirm or deny what you have before you.

**HALLORAN:** Do you offhand know what percentage of clients you serve that have filed complaints?

**RAY COLAS:** I do not, but can get that information for you.

**HALLORAN:** OK. Thank you.

**AGUILAR:** Any other questions? Thank you. Any other opponents? Welcome.

**MARK CHRISTENSEN:** Thank you. Members of the committee, thank you for allowing me to provide testimony today. My name is Mark Christensen, M-a-r-k C-h-r-i-s-t-e-n-s-e-n, 25-year Army veteran and chief of staff of Veterans Guardian. We're a veteran owned and operated company with 200 employees who are veterans, spouses of veterans, or spouse of active duty service members. We're a transparent and ethical company helping to ensure veterans receive the disability benefits they're entitled to as a result of their honorable service to our nation. We've been awarded the BBB Torch Award for Marketplace Ethics for multiple years, we're Department of Labor Hire Vets Platinum Award recipient for 3 years in a row, and hang plaques of gratitude on our

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walls from every VSO represented here. And we also have clients from every VSO represented here today. We're transparent about what we do and don't do, who we are and who we are not. First thing we do when a client comes to us is inform them of their free services available to them. We don't do claims that aren't supported by legitimate medical evidence. We don't take a percentage of back pay. We don't have a lifetime contract. We don't have doctors on our payroll. We don't use overseas call centers. We never ask a veteran for their login information to their banks or their VA.gov accounts. Unfortunately, the VSOs are incapable of meeting the demands of the veterans in the state. Nebraska has only 145 unique VSO representatives to meet the demands of over 119,000 veterans in Nebraska. 45% or more of those VSOs don't have any contact information available to the veterans. That equates to nearly 1,000 veterans per representative in the state. Even the best and most efficient, well-meaning volunteers and employees can't meet that type of demand. Over 70% of our clients have tried the free services before and have chosen a free market solution to help them. They, the thousands of veterans in Nebraska, are telling you that they want access to private companies to assist them with their disability claims. They're well-informed and are capable of making good decisions. We appreciate the intent of this bill, but it takes a sledgehammer to an issue that requires a scalpel. We agree with the desire to protect veterans, but this bill fails to address any of the specific actions that might be opposed. We believe a better approach is to legislate guardrails against specific actions, while maintaining freedom of choice and options for veterans navigating the process. We've been working at the federal level for the last couple of years in a bipartisan manner to achieve a compromise solution that maintains veterans' options and freedom of choice, while legislating against predatory practices and providing oversight from the VA for all the actors in this space. Nebraska veterans are capable of making good, independent decisions. This body shouldn't take that right away, and we hope to continue to work with the Nebraska Legislature to maintain options for nearly the 120,000 veterans in Nebraska. And with that, I'm happy to answer any questions.

**AGUILAR:** Questions? Seeing none, thank you. Oh, Senator Lowe.

**LOWE:** Thank you. Thank you, Mr. Christensen, for coming here today. How many Nebraska veterans are you servicing?

**MARK CHRISTENSEN:** Sure. Currently-- well, let me step back in our history and the entirety of the company. We've served just over 300 Nebraska veterans.

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**LOWE:** OK [INAUDIBLE]

**MARK CHRISTENSEN:** Currently, we've got like 150 in our active process.

**LOWE:** OK. And how long does that process take then?

**MARK CHRISTENSEN:** So, you know, counter to what one of the members testified to earlier as a private company, because we compete with free, we have to be able to measure what we're doing. So I can tell you that at our company, we have a 90% success rate, and we have an average of 85 days for a turnaround for a decision from the VA, which is far below their target of 125, or what their actual result is, is 152. So we know for a fact that our average return time is 85 days. And we know this because we have to track it, right? Because we have to, as a private company, be better than free. And it's important for us to make sure that we're providing the best service because we know, as veterans helping veterans, they need the help. They've been struggling for years, sometimes decades, to get the disability benefits that they deserve. And they've been underserved or ill served, in some cases, by many organizations. And so we're able to help them in that short amount of time, and we do it because we're, we're good, we're efficient. And we know how the system works, and we don't, as I said before, we don't submit stuff that we don't think is going to get approved or doesn't have the background or the evidence to be approved. We make the job of the VA easier.

**LOWE:** Is, is this your only source of funding with your company then?

**MARK CHRISTENSEN:** As a private company, that's it. We are-- we're, we're internally funded, right sourced. We're transparent about the fees to our veteran clients. So they go into this process understanding the free services available to them and what our fee is if we're successful. And that fee is contingent upon a successful outcome for that veteran. So if they don't get a monetary increase in their disability claim, we don't get paid, period. Take nothing.

**LOWE:** Where's your company out of then?

**MARK CHRISTENSEN:** Pinehurst, North Carolina. We service clients all over the globe.

**LOWE:** Thank you

**AGUILAR:** Further questions? Senator Halloran.

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**HALLORAN:** Thank you, Vice Chair Aguilar. So thank you for being here, Mr. Christensen. So what, what does your service fee matrix look like?

**MARK CHRISTENSEN:** Sure. It's simple. We charge a one-time fee. It's 5 times whatever a monetary increase might be for a veteran's disability claim. So if a veteran's getting \$100 monthly now, we help them with their claim and they end up getting \$200 after we've been successful, that \$100 increase times 5, it's \$500. They owe us one time, \$500. We have payment plans, discounts. And the fact is that if somebody is struggling and can't pay, we work with them in whatever way we can. We're not out here as indicated as, you know, just out here for the money. We, we do plenty of claims for free, trust me, or at a loss. That's a fact.

**HALLORAN:** I'm curious, what's your largest claim?

**MARK CHRISTENSEN:** The largest would be about \$18,000, but that's going from nothing to 100%, which would be everything. But that is incredibly rare. But that would be the max.

**HALLORAN:** Thank you.

**AGUILAR:** Any other questions? Thank you.

**MARK CHRISTENSEN:** Thank you.

**AGUILAR:** Any other opponents? Seeing none, are there any neutral testimony? Seeing none, the online position statements 38 proponents, 3 opponents, is that right?

\_\_\_\_\_ : 30.

**AGUILAR:** 30 opponents, 4 neutral. And that closes the hearing on LB1037. Thank you. Thank you all for being here.