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

GUERECA: Good afternoon. My name is Dunixi Guereca. I represent Legislative District 7, which is downtown and south Omaha.

J. CAVANAUGH: John Cavanaugh, District 9; midtown Omaha.

ANDERSEN: Good afternoon. Bob Andersen, representing District 49; northwest Sarpy County and Omaha.

LONOWSKI: Good afternoon. Dan Lonowski from District 33, which comprises Adams County, Kearney County, and rural Phelps County.

WORDEKEMPER: Dave Wordekemper, District 15; Dodge County, western Douglas County. Welcome, and veterans, thank you for your service.

McKEON: Dan McKeon, District 41, Central Nebraska. I got eight counties. Thank you for being here.

SANDERS: Senator Bob Andersen is the vice chair of this committee. Also assisting the committee today, to my right is our legal counsel, Dick Clark, and as my far left, committee clerk Julie Condon. We have two pages for the committee today, and I will ask them to please stand and introduce themselves.

ARNAV RISHI: Hi, my name is Arnav. I'm a junior political science student here at UNL.

KATHRYN SINGH: Hi, my name is Kathryn. I'm a junior environmental and sustainability studies student at UNL.

SANDERS: Thank you. With that, we will begin today's hearings with LB546. Welcome, Senator Rountree.

ROUNTREE: Good afternoon, Chair Sanders, and thank you so much, and members of the Government Committee. My name is Victor Rountree, V-i-c-t-o-r R-o-u-n-t-r-e-e, and I represent District 3, which is made up of Bellevue and Papillion. Today, I'm here to introduce LB546, which aims to reduce response time for emergency declarations and streamline communication with political subdivisions. LB546 is a reintroduction of LB1277 carried by Senator Wayne last year. This bill would allow political subdivisions that supply electricity, natural gas, water, or sewer services to request an emergency proclamation that covers one or more counties for emergencies directly from the governor, without first requesting a proclamation from the counties. The goal of the bill is to streamline the communication that takes place during an emergency situation, and allow quicker response times to natural disasters. The Omaha Public Power District brought this bill to me to address some

issues they experienced with ice jams on the Missouri River that led to damage to their equipment. I've been working with both OPPD and with the Nebraska Emergency Management Agency to see if there is a version of this bill that both sides can agree on. I worked through many emergency situations in my career with the Federal Emergency Management Agency, and I know that every second matters. If there is a way to streamline the emergency proclamation process and improve our ability to respond to civilian needs, then I think it is very important that we take those steps. I want to say for the record that I have worked as a FEMA employee very, very closely with both the OPPD and with NEMA. I have the utmost respect for both agencies, and because of that respect, I'm bringing this bill today so that it can be heard at the committee. And so, with that, I appreciate the committee's attention to this bill and would be happy to answer any questions that you may have.

SANDERS: Thank you, Senator Rountree. We'll check with the committee to see if there are any questions at this time. I see none. You will stay to close? Oh, Senator Andersen.

ANDERSEN: Sorry. Thank you, Chairwoman. And thank you, Senator Rountree.

ROUNTREE: Yes, sir.

ANDERSEN: I find this unusual, and maybe you can help me understand. The crux of, of your bill-- I think it's a page-and-a-half-- basically to bypass the county. So, for the SIDs [INAUDIBLE] one of these, it goes straight to the governor for a proclamation of-- declaration of emergency. Is that right?

ROUNTREE: That's what OPPD is asking them. But they would testify more in clarity as they come forward, so I think any questions you may have will be clarified as they come behind me with testimony.

ANDERSEN: OK. So, you have OPPD reps, testifiers here.

ROUNTREE: Yes, sir.

ANDERSEN: OK.

ROUNTREE: We have all testifiers who are going to testify today that should be-- answer any question you may have.

ANDERSEN: OK. So, I don't know if this is a question for you or OPPD. Are there any other times that this was the norm? Or is that a question for them?

ROUNTREE: That would be a question for them as well.

ANDERSEN: OK. [INAUDIBLE].

ROUNTREE: But we do have the Emergency Management Agency here, as well.

ANDERSEN: OK. Do you know-- maybe the FEMA knows about any other states have the same situation, have gone to this. Is that a question for them?

ROUNTREE: That'll be a question for them, but in my work as a FEMA employee, not that I know.

ANDERSEN: OK. Last question. Have you consulted with the county-- with the, with the county commissioners, or at least some of the counties like Sarpy or Douglas or something like that? And what was their perspective?

ROUNTREE: I think they will be here to testify as well, and NACO maybe testified on that.

ANDERSEN: OK. My questions are all done.

ROUNTREE: OK. Thank you so much, Senator.

SANDERS: Are there any other questions, questions from the committee? See none. Thank you. And you will be here to close?

ROUNTREE: Yes, ma'am, I will be.

SANDERS: Thank you, Senator Rountree.

ROUNTREE: Thank you ma'am.

SANDERS: We will now open LB546 for proponents. Good afternoon and welcome.

SETH VOYLES: Thank you. Chair Sanders and members of the committee, my name is Seth Voyles, S-e-t-h V-o-y-l-e-s. I'm a registered lobbyist for the Omaha Public Power District, and I'm testifying on their behalf. I thank you for the opportunity. OPP [SIC] is testifying in support of LB546, a bill that would expedite emergency declaration timelines without changing the normal work of going through the counties for damage assessments or exhausting local resource before state resources are needed. That is our intent for this bill. The language does not reflect that, but that's why we asked for a late hearing to make sure that we can change up those things, and I'll go into some of that here

shortly. OPPD, a political subdivision of the state of Nebraska, is a publicly-owned electric utility engaged in the generation, transmission, and distribution of electricity. OPPD serves an estimated population of more than 855,000 in a 13-county, 5,000 square mile service area in southeast Nebraska. Governor Pillen and his staff and NEMA have been amazing partners with utilities in addressing extreme weather and other emergencies. We're extremely lucky in Nebraska for all the dedicated emergency responders that we have here. I think last year, LB1277, which we-- is similar to this one-- was labeled something it was not, so I want to pull out a couple of those points so we could talk about that. And again, the language is-- we need to work on the language, so. Political subdivisions do not have the ability to declare an emergency, and this bill does not give us that authority; it does not impact how Nebraska demonstrates damages for emergencies. We still go-- must go through each county to show and assess damages. Utilities are incorporated into local emergency operations, and mutual aid agreements will always work with and through them. The bill does not change the fact that we must exhaust all local resources before state resources can be deployed. We're even looking at an amendment to solidify that, to make sure that's where it's fully spelled out. Our intent of this bill is meant to cover emergencies that do not have damages to local jurisdictions. Ice jams on the Missouri, potential tornadoes, or other extreme weather that only damages utilities and, God forbid, a cybersecurity event. These do not have local damages; these are special incidences that may cover multiple counties. The faster we can get moving on these types of events could lessen the damages and the response needed. That is the aim of LB456 [SIC], and we'll make sure the language looks like that. Last year, General Strong stated in his testimony that unofficial coordination/cooperation is already, is already occurring. This bill is just formalizing that. We know that this language needs more changes, and we want to work over the interim to see if we can come to an agreement. OPPD will continue to support the counties we serve by communicating relative emergency information to the respective parties. Unfortunately, extreme weather and its impacts of, of the utilities and the power structure and generation has come-- become more frequent, and we'll need to improve the process on how we address them. Thank you for your time, and I welcome any questions you might have.

SANDERS: Thank you, Mr. Voyles, for your testimony. We'll see if there are any questions from the committee. Senator Lonowski.

LONOWSKI: Thank you, Chair Sanders. And thank you for being here, Mr. Voyles. So, what is the regular process? Like, how long does it take to

get the county commissioners to form a quorum or whatever they have to do?

SETH VOYLES: Well, most times, what ends up-- and I'm not the person that does it, so I'll try to do it, and I'll, I'll get you a, a more formal answer later. Most times, if there's an emergency that happens, we work through the emergency managers that are in those counties. There's designated people there; we have a department that coordinates with them to make sure that all that stuff is taken care of.

LONOWSKI: OK.

SETH VOYLES: And then it starts from there and it goes up to--

LONOWSKI: So, how long does it take to include the county commissioners, is my, my wonderment, my concern.

SANDERS: That I'm not sure, but I'm sure NACO is going to oppose the bill, and they can probably tell you that.

LONOWSKI: OK. Thank you.

SANDERS: Senator, Senator Wordekemper.

WORDEKEMPER: Thank you, Chair Sanders. Just so I understand the process, the way it is now, if you want to-- you're having an emergency within your plant; an ice jam that's restricting the power you can produce.

SETH VOYLES: Mm-hmm.

WORDEKEMPER: Is the way it is now, you would have to contact the counties that you serve--

SETH VOYLES: Mm-hmm.

WORDEKEMPER: --and they have to declare an emergency not knowing that you have a specific site problem within the power plant. Is that correct? Even though it might not have an emergency in their area, power lines down or things like that. Is-- am I understanding correctly?

SETH VOYLES: That-- that's my understanding, too, and we had this-- I want to say in 2022, that's what ended up happening. I think the city of Omaha was the one that declared an emergency because the ice jams-- we had already had a bunch of our power plants trip offline. It's not

just us; it's also, like, MidAmerican on the other side. A lot of them tripped off because of the ice jams jamming up our intakes for cooling. And our power plants go on self-survival mode, and they'll shut themselves down. When this time-- when it was that cold, the Southwest Power Pool, I think, dropped about 4,000 megawatts, so it was, it was significant-- a significant issue. And it's been happening the last three years or so. We've been-- well, we work with the governor's office; they were amazing and all this kind of stuff. They were-- they helped out more than anybody, for sure. NEMA helped out as well on those kind of things, but it took a while for us to kind of get to that point. When we were making calls, they were like "well, we need jurisdiction to declare an emergency so we can all get started." NEMA was able to help us as well and all those kind of things, but that's kind of-- was the impetus of this, as far as my understanding is.

WORDEKEMPER: To-- and, and because the counties you serve might not know that there's an emergency coming on, and this bill would allow you to declare that emergency-- whether it's a tornado that hit your structure or whatever-- more on a local level and not rely on them, but essentially they will be notified later in the process.

SETH VOYLES: Yeah, and--

WORDEKEMPER: Is that--

SETH VOYLES: --and one thing I'll change on there is we don't-- we won't declare an emergency. What this bill says is that we may call the governor's office and the governor may declare.

WORDEKEMPER: OK.

SETH VOYLES: It's-- there's no "shalls" in there, it's all "mays." Now, the language-- I'll be the first to admit the language needs some work on it. How we would kind of have these kind of things, we need to kind of tamp it down to-- because this is only about two counties, or mult-- multiple counties. We're not talking about special situations like the ice jams, or-- I think we need to come up with some kind of a definition what a special circumstance is. Or if a cybersecurity event-- everyone here, I think, would admit a cybersecurity event is an emergency, but there's no damages on the counties. And the counties may not know that that's what it is, or the local jurisdictions might not know, just the utility. And at that point, we're going to be calling everyone we can find to help out and get the process started. And that's, that's kind of what the aim of this is. I know the language doesn't really reflect that as well as it should, but that's why we've

asked for the late hearing, and Senator Sanders has been very gracious in giving us that so that we can work over the interim. We're going to invite NEMA and others to GridX, and that's a-- it's an issue that we go through in the, in the fall where-- it's, it's scenario planning on whatever comes up. It's cyber security, it's fires here, explosions there, floods. It's, it's a whole big scenario, so you can kind of see where some of these areas are, where there may not be county issues and those kind of things, and that's what we're trying to do on this. That's why it's also we may call and the governor may declare. Again, the language is-- needs some help on that, but that's, that's the intent of what we're looking at.

WORDEKEMPER: OK. Thank you.

SANDERS: Any questions from the committee? Senator Andersen?

ANDERSEN: Thank you, Chairwoman Sanders. And [INAUDIBLE] you, Mr. Voyles, for being here. And I'll apologize upfront because I got a bunch of questions. I feel like Senator Cavanaugh does.

SETH VOYLES: I'm sure he has some, too.

ANDERSEN: I'm sure he does. Why-- and this is what Senator Rountree said that as the OPPD guy, you should an-- you could answer. Why bypass the county? Because I'm, I'm a military guy, right? So-- and thanks to all the veterans for being here. It's great seeing you, General Strong. Glad to have you on board. I'm a big chain of command guy, right? There's a chain of command typically for a reason, but now this is proposing that we bypass the chain and we jump levels. Why, why do that?

SETH VOYLES: Well, this is just going to be on special circumstance. We need to define that better and how that's going to work. But the issue is a lot of times-- so, time is of the essence on an emergency. And if the county-- we know there's no damage to that county, it's going to be hard for them to declare an emergency, and we need to start moving on to the next thing, the next thing, the next thing. We will work through the counties no matter what on damage assessments, on everything else, making sure all the local resources are taken first. But if-- let's say it's a cyber event, and we, we have to find someone to declare an emergency on the local or county level, we may not find one. And at that point, we're going to be calling the governor and everyone else we can find and say, "Look, we have this special circumstance, we need help on these kind of things." Now, no matter what, we work through the counties on everything. We, we hold our-- you know, we help hold the

emergency management meetings. We had one a couple weeks ago here in Lincoln, with, with our folks. We do as much as we can, and we will always keep in the local jurisdictions on those kind of things. This is going to-- the way we want this to come out is just on those special circumstances where the county-- there's no, there's no real issue with the county. It's just-- it's an emergency that doesn't have anything with that county.

ANDERSEN: So then-- so, a lot of times, we try to address the symptoms as opposed to the core problem. So, in this case where the core problem-- maybe it be the organizational structure or the infrastructure with the county, so that there's always a person you can call and always a way of getting a hold of them--

SETH VOYLES: We always have--

ANDERSEN: --do you think that'd alleviate the problems you've had in the past?

SETH VOYLES: No, we always have that. But on, on a lot of times-- and you can ask them that-- they know it better than I do, about what they need to-- in order to declare an emergency themselves so that we can get the ball started. I don't really know that process, but I know from our, our aspect of it, a lot of times that it's about assessing damages, and we always work through the county with that. Under the Stafford Act, I think we have 30 days to come up with what the damage assessment is, the, the number that is. We usually take a lot of that time to do that because we want to be completely accurate on what our, our damages are, so that when we apply for that money, it's not-- there's some wiggle room on either side; we want to make sure it's that way, and then FEMA will reimburse us [INAUDIBLE].

ANDERSEN: Do you know of any other state where this is the case?

SETH VOYLES: What was that?

ANDERSEN: Do you know of any other states where this is the case?

SETH VOYLES: I, I don't know if that is the case or not.

ANDERSEN: OK. I'll try to expedite my questions. It says on one page, it talk-- it refers to political subdivisions of multiple counties. Is that, is that the norm? Do we have political divisions in mult-- that, that span across multiple counties?

SETH VOYLES: We have, we have a few. Like, we have-- we're 13; NPPD is basically Congressman Adrian Smith's district, and then we have Lincoln Electric on the other side. So yeah, we, we cover a lot. Like, we're Burt County down to the Kansas border, on the eastern side.

ANDERSEN: OK. And my last question-- leave some time for Senator Cavanaugh. In the change, it says proclamation from a county or other governmental entity. Can you tell me what that other governmental entity might be? It's on page 4, line 28.

SETH VOYLES: I think on the-- from my understanding, that's probably a local jurisdiction like the city of Omaha or others like that, I think is what that is. But like I said, that language, we're all going to-- a lot of this language is going to change up so that we can do it just for the very special circumstances, that we can do it that way when there is-- and we talked to, to NACO today about talking over the interim about seeing if there's something that we can come to agreement on. We're going to do the same thing with NEMA as well. Senator Rountree was very gracious and got us all talking a month or two ago, I want to say, and it was-- it-- you know, we, we agree to disagree. That's kind of where we are, but we're gonna try to work through it. And if we can't, well then, the bill won't pass.

ANDERSEN: Thank you.

SANDERS: Are there any other questions from the committee? See none. Thank you very much--

SETH VOYLES: Thank you.

SANDERS: --Mr. Voyles, for being here. Are there any other proponents on LB546? Proponents. Any opponents on LB546? Good afternoon. Welcome.

CRAIG STRONG: Good afternoon. Good afternoon, Chairwoman Sanders, and members of the committee. I am Craig Strong, C-r-a-i-g S-t-r-o-n-g, the Adjutant General of the Nebraska National Guard, and director of the Nebraska Emergency Management Agency. Thank you for this opportunity to participate in this hearing, and I'm testifying today in opposition to LB546 for several reasons. LB546, while perhaps well-meaning, is an unnecessary and potentially disruptive addition to the Nebraska Emergency Management Act, or as I'll refer to as "the Act." LB546 bypasses the established hierarchy when it comes to emergency proclamations and usurps the executive authority of the governor to manage emergencies. Currently, pursuant to the Act, only local governments may directly request such a proclamation from the governor.

A local government is defined by the Act all-- as only a county, city, or village; under LB546, the governor would receive requests for emergency proclamations directly from political subdivisions rather than only from local governments. Throughout the state's history, however, political subdivisions have worked through and with the local governments rather than independently. There are several hundred political subdivisions which could qualify pursuant to this bill to request an emergency proclamation directly from the governor without coordinating with local government. If that authority is granted by LB546 during an emergency, there would-- could potentially be multiple requests to the governor from within a single county, rather than one comprehensive request from the local government. During a more widespread event, the requests may multiply exponentially. LB546 would give the political subdivision direct access to the governor, thereby circumventing the established hierarchy for issues that very well could be taken care of at a local government level. Moreover, LB546 would not result in any really gained efficiencies. Requests for emergency proclamations are accomplished much more quickly and efficiency under the current process, whereby the political subdivision works directly with the local government. The political subdivisions, as local stakeholders, are already incorporated into the local emergency operation plan. When an emergency proclamation is issued by the governor, it activates the local emergency management operations plan for the affected area. As such, there would be really no advantage for allowing the political subdivision the authority to directly petition the governor for an emergency proclamation since any action is directed back to that local government for execution. In fact, LB546's proposal would likely slow the response times by enabling requests to go through a circuitous route, only to end up back where they-- that request should have been started in the first place, back at the local jurisdiction. Finally, LB546 directly contradicts several long-established axioms of emergency management to the detriment of an effective and efficient emergency response. The state of Nebraska has expended substantial taxpayer funds over more than 25 years training and exercising this process with our local emergency management officials to provide the most efficient and proactive emergency response possible. For decades, the local governments and political subdivisions have worked together to accomplish this important mission of keeping Nebraskans safe during emergency events. LB546 is a solution really in search of a problem. It is at best unnecessary, and at worst potentially undermines emergency management in Nebraska. Thank you, Mrs. Chairwoman for-- and the committee members. I'm happy to respond to your questions.

SANDERS: Thank you, General Strong, for your testimony. We'll see if there are any questions from the committee. Senator Andersen.

ANDERSEN: Thank you, Chairwoman. General Strong, it's great having you here. Thanks again for your service to Nebraska. In the, in the massive floods of 2019-- I'm not trying to make a supposition or anything, but if this were to go into effect, how would a mass situation like that-- how would that exacerbate the problems, having all the subdivisions going-- the-- jumping chain, going VFR direct to the government. Would that exacerbate the problems that you realized?

CRAIG STRONG: I think it would make it more-- I think it would exasperate the problem and, and potentially cause confusion. Right now, on, on a flood situation as well, we-- we're-- that's a slow-- not a slow-moving train, but we do see it coming. We've already coordinated with, with the counties, and we're taking preparatory steps toward preparing, and-- in order to respond accordingly. I think that that would-- again, it would probably confuse the situation, and I don't believe we have had a situation where we have ever had drag or friction in this process, quite frankly. We're talking about declaration, not response. And there's a distinction.

ANDERSEN: Right. And-- if I-- ask for your patience. I'm not a, a NEMA guy, but is NEMA the clearinghouse that takes the input for all the disasters and then recommends to the government how he should he should actually--

CRAIG STRONG: Yes.

ANDERSEN: --act, and then it's executed from there? Is that the--

CRAIG STRONG: Yeah, I think that's a great-- yeah, I think that's a good description. It is a clearinghouse. It, it works directly with the county emergency managers in order to assess requirements for response and bring together the resources. It's a whole of government approach--

ANDERSEN: Yeah.

CRAIG STRONG: --with the 15 emergency support functions that the clearinghouse, as you said, is needed for that purpose.

ANDERSEN: Thank you, General.

SANDERS: Any other questions from the committee? Senator Lonowski.

LONOWSKI: Thank you, Chair Sanders. And thank you, General Strong, for your testimony. Give me a few more examples from the opposite-- I guess I'm thinking of, like, Chadron wildfires or maybe, like, the, the tornadoes last year in Elkhorn. Did that, did that clearinghouse or the, or the, the county commissioners, or whoever it might have been, did it cause tedium to the process where it slowed it down at all?

CRAIG STRONG: Not-- in, in my opinion, no. The, the first principle of emergency management is all emergencies are local. And it, it-- you know, from the, from the fire chief, who may be an incident commander moving up toward a, a county level with the county emergency management, and then the emergency management has a direct line to the state emergency management system. And in all of those instances, it's-- as you-- as a, as a former Army officer, understanding parallel planning; this is all occurring concurrently. While it does have a sequence, there is parallel planning going on at the state, even though-- you know, we have early indicators, we have a-- we have a watch system in the State Emergency Operations Center that is always monitoring situations in, in order to get ahead of it.

LONOWSKI: OK. Thank you. All right.

SANDERS: Senator Cavanaugh.

J. CAVANAUGH: Thank you, Chair. Thanks for being here, General. I just-- Senator Andersen's question made me think. So, the normal procedure is-- he want-- he just always wants me to ask questions. The normal procedure is the counties request an emergency declaration, they don't declare. Is that right?

CRAIG STRONG: It's a-- right. There's a-- you can, you can have a local declaration of an emergency at a, at a, a city declaration, but-- at the county level, a county declaration, but any state declaration to pull upon the state resources, that is a, a declaration that through the county commissioners is submitted, but very expedited. But the proclamation for a state emergency is the governor will declare a state emergency; concurrently, we petition for a federal declaration to the federal government.

J. CAVANAUGH: And-- but they send their request through you.

CRAIG STRONG: Yes.

J. CAVANAUGH: So, is that one of your criticisms of this bill is that it doesn't send the request through NEMA, or?

CRAIG STRONG: Well, it would go-- it's essentially a hotline directly from a political subdivision to the governor. And quite frankly, that would then come right back to us, back down to the county. It-- it's really going around and then back down again, and then back up again versus right now, it comes straight up from the county. And so, it's a-- it's like a-- almost a bypass that actually adds probably two more levels of hierarchy, if you will.

J. CAVANAUGH: I-- well, I guess my interpretation of hearing Senator Rountree and Mr. Voyles was that the thought was that there are potential disasters that don't affect the counties, and so the county isn't necessarily going to declare an emergency, but a multi-jurisdiction entity like OPPD might need to have an emergency declared. And so, it seemed like the intention here was to make a mechanism for them to do that.

CRAIG STRONG: Right. And that awareness, it's just-- the awareness would come to the county. They could work through the county as, as we have been doing versus a direct line straight to the governor, which, quite frankly, bypasses the, the county, bypasses our office, and it would go to the governor.

J. CAVANAUGH: Well, and so my question is, would you have less objection if it was not a direct hotline to the governor, but then it just inserted the multi-jurisdictional entities into the same level as the counties and cities?

CRAIG STRONG: I, I would think it would be unnecessary because in practice that is already available to work with the county. I mean, it's just the conduit with which the request is being made, and this is to declare an emergency. I don't believe this should be conflated with response. OK? Responding is occurring. If there's a life, limb, I-- you know, those issues are responded to. This is for the purpose of declarations for the purpose of resource, respon-- responsibility for resources, and ultimately paying for those resources.

J. CAVANAUGH: And so, I, I assume the system works very well. Is it perfect? Are there any changes that should be made to the emergency response system?

CRAIG STRONG: Is it perfect? I, I wouldn't-- I'd say that all systems can be looked at for where there is friction or inefficiencies. I can't bring a suggestion to mind at this point, but I will tell you that this solution isn't-- there's not a problem that it's solving.

J. CAVANAUGH: OK. Thanks.

SANDERS: Any other questions? See none. Thank you, General Strong, for your testimony.

CRAIG STRONG: Thank you.

SANDERS: Any other opponents on LB546? Good afternoon and welcome.

ERVIN PORTIS: Good afternoon. Good afternoon, Senator Sanders-- Chairman-- Chairwoman Sanders, members of the committee. My name is Ervin Portis, E-r-v-i-n P-o-r-t-i-s. I am the assistant director of the Nebraska Emergency Management Agency, and I testify in opposition to LB546. Let me articulate the reasons. There's already a statute that covers many of the issues, and it's under 84-162 to 84-167. The governor has the authority to declare a vital resource emergency when the interruption of supplies or resources, or the threat of such interruption, may cause severe hardship or threaten the health and lives of the citizens of the state. I've given you a copy of those statutes in my comments. The proposed revision is inconsistent with the national emergent-- National Incident Management System, also known as NIMS, established after the tragedy of September 11, 2001, wherein Congress mandated building a comprehensive National Incident Management System with federal, state, and local personnel, and Nebraska Executive Order 05-02 established NIMS as our standard. A fundamental precept of NIMS is that all disasters are local. They're managed locally to mitigate the consequences of interrupted community lifelines. On the last page of the handout, there's a depiction of those community lifelines. Local governments may be supported by the state when resources of local communities are insufficient. Bypassing local governments will encumber local emergency managers charged with managing the consequences-- emergency management is consequence management-- that negatively affect community lifelines. Local emergency managers need information from critical infrastructure operators sooner than later. Any delay impedes responses and slows recovery. LB546 could add several hundred political subdivisions with the authority to request an emergency and seek state assistance without having previously invoked the provisions of their interlocal-- interjurisdictional local emergency operations plans that are required under the Emergency Management Act. 81-829.42 of the act establishes the Governor's Emergency Program, a provision of which clearly states, quote, the "emergency proclamation shall set forth the emergency and shall state that it requires the expenditure of public funds to furnish immediate aid and relief." End quote. And new quote: "It is the intent of the legislature that the first recourse shall be (to) funds

regularly appropriated to state and local agencies." Usual funds first. End quote. The prospect of breaking up proclamations into areas defined by political subdivisions rather than counties is contrary to provisions of the federal Stafford Act, through which FEMA calculates state and county thresholds. That's a nationwide approach. States must demonstrate damages on a per-county basis. When seeking a major disaster declaration through FEMA, the state is on the clock from the date an incident occurs. Seeking time extensions for inability to collect information could cause denial of the state's request. The last point I would like to make is that NIMS has developed over time, in part by learning from the failure of political subdivisions to work together in responding to disasters. It prolongs and complicates recovery. No one political subdivision can go it alone on major disasters, and I argue let's not go backwards. Thank you, Chairwoman Sanders, members of the committee. I would remain available for any questions you might have.

SANDERS: Thank you, Mr. Portis. We'll check with the committee to see if there are any questions. Senator Andersen?

ANDERSEN: Thank you, Chairwoman. Mr. Portis-- Dr. Portis, thank you for being here. So, is it accurate to say that you agree with General Strong in that if this was enacted, that it simply adds more steps in going from the political subdivision up to the governor, down to NEMA, back up to the governor, and then execution of--

ERVIN PORTIS: I, I agree with that, and, and I might add to-- that the current process really does not take much time at all. Let me-- one of you asked about wildfires; let me use a wildfire as an example. And we had several of them the last-- in the last couple weeks. Wildfire occurs, they realize they're exhausting local resources, they need state resources. Fire chief-- and emergency managers already engage with the fire chief on those things. Emergency manager with a phone call to his, his or her county commissioner. The county board doesn't need to convene and meet. The-- under the act, the chair of the county board has the authority to, to authorize an emergency declaration. In almost all cases, that happens verbally. They'll communicate that to us; we have this wildfire, the county has authorized a verbal declaration, that gets to me; in a matter of minutes, I contact the governor's chief of staff, who's gotten very used to me calling him at odd times of the day and days of the week, and answers my phone; we have a conversation about the request, what state resources are needed. And we-- in almost every case-- I can't think of any time where the governor's chief of staff has said no when, when we've made that request. It happens very, very quickly.

ANDERSEN: Thank you.

SANDERS: Any other questions from the committee? Senator Cavanaugh.

J. CAVANAUGH: Thank you, Chair, and thanks for being here, Mr. Portis. What-- so, I mean, a wildfire is obviously a disaster we can think about. But what about the example that Mr. Voyles talked about, like a cyber attack that only affects the utility?

ERVIN PORTIS: And I would argue that's where the vital resources emergency statute is probably most applicable.

J. CAVANAUGH: That's the section you gave us? 84--

ERVIN PORTIS: Yes, sir.

J. CAVANAUGH: OK. I'll take a look at it separately.

ERVIN PORTIS: OK.

J. CAVANAUGH: Thank you.

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

ERVIN PORTIS: Thank you, Senator.

SANDERS: Good to see you again. Any other opponents on LB546? Welcome.

AMANDA BURKI: Thank you. Chairwoman Sanders, members of the committee. I thank you for listening to my testimony. My name is Amanda Burki, A-m-a-n-d-a; Burki, B-u-r-k-i. I'm here on behalf of Lancaster County and the Nebraska Association of Emergency Management, therefore being referred to as NAEM. I'm opposed to LB546 for the following reasons. NAEM polled its body of members of 146; 124 of those local government, 22 private and public entities. This poll overwhelmingly opposed the change to the Emergency Management Act created by this bill allowing for political subdivisions to bypass local emergency management during an emergency. The argument that a political subdivision that provides vital resources to several counties and does not have the time to go to each emergency manager in their service area is irrational. This political subdivision has the ability to provide the vital resource to several counties, and they are well-staffed with adequate budgets to provide the necessary relationships to the county or city county-- counterparts on blue sky days. At the local level, there are, there are several emergency managers responsible for multiple counties. NAEM

President Brandon Myers has three counties, one with a larger metropolitan area: North Platte. He's responsible for relationships with over 13 volunteer fire departments, 18 cities, towns and villages. He has built relationships with all 31, and he could quickly execute an emergency declaration on behalf of any of them at a moment's notice. The 14 counties in the southeast region of Nebraska have included our electric utility partners in conversations during our monthly meetings, and paid for them to attend our annual workshop and emergency management conferences. We have established a strong partnership with these utility and vital resource companies. LB546 offers no change from last year's LB1277, which failed to make it out of committee. The utility company pushed for passage of both bills and made no effort to improve relationships, test plans, or involve local emergency managers in the past year. Political subdivisions providing vital services already have the ability to receive assistance under the state statutes already provided, and these provide the governor the authority to declare a vital resource emergency when the interruption of services may cause severe hardship. A perceived emergency, such as a low water-- such as low water in a river that has occurred for the last several years is not an emergency; it's a lack of continuity of operations planning. There are several funding sources available to mitigate this issue. Cooper Nuclear Station has taken steps to lower the intake valve to avoid low-- excuse me-- to avoid the low water issue. Prior to any changes in the current Emergency Management Act, a study should review and evaluate the existing emergency and continuity of operations plans of our vital resource providers. The state already requires each county to have a comprehensive local emergency operations plan. Local emergency managers in Nebraska are well-versed in the basic components of emergency management. After-action reviews will improve plans-- after-action reviews with improvement plans are part of every exercise and real wor-- real-world disaster. This concludes my testimony. Do you have any further questions?

SANDERS: Thank you for your testimony, Ms. Burki. Are there any questions from the committee? Senator Cavanaugh.

J. CAVANAUGH: Thank you. I just have one. You mentioned something that sounded like a utility-only emergency. Can you name any utility-only emergencies that then the county forwarded on and declared as an emergency?

AMANDA BURKI: I-- not to my recollection. There has been an emergency withinside a vital resource that has not affected the county.

J. CAVANAUGH: OK. Are there any times where there have been requests that were denied, like this low water thing that you just mentioned?

AMANDA BURKI: Not that I'm aware of.

J. CAVANAUGH: Was that a request from ND-- what-- NPPD for an emergency declaration?

AMANDA BURKI: I am not with Douglas County; I'm with Lancaster County, so I would not know about an OPPD issue on the river.

J. CAVANAUGH: Well, Cooper's NPPD.

AMANDA BURKI: And Cooper's in Nemaha County.

J. CAVANAUGH: OK. But you, you mentioned they had a low water issue. You--

AMANDA BURKI: They did not. I think they declared a site area emergency when it happened the first time, and then they took steps to mitigate it from happening again by lowering the tube.

J. CAVANAUGH: OK, thanks.

SANDERS: Any other questions from the committee? See none. Thank you very much for your testimony. Any other opponents on LB546? Welcome.

WHITNEY SHIPLEY: Good afternoon. Good afternoon, Chairperson Sanders, and members of the committee. I'm Whitney Shipley, W-h-i-t-n-e-y S-h-i-p-l-e-y, director of the Douglas County Emergency Management Agency, and I'm here on my own behalf in opposition to LB546, to communicate the challenges associated with managing the needs of a community when information is not communicated according to the strategy set forth in the Stafford Act. The Stafford Act was passed in 1988 specifically for the purpose of providing a framework whereby disaster response could be executed at the lowest possible level, but with the assurance of state support to assist when local capacity has been exceeded. The proposed strategy here for infrastructure operators to bypass local officials to seek a state disaster proclamation generates several concerns, including, but not limited to, the following. Local officials are best positioned to understand the full scope and impact of an infrastructure emergency on the local community. Local emergency managers rely on the earliest possible warning of developing threats to mobilize and stage the considerable resources necessary to meet human needs in the face of a service disruption. Bypassing local officials in early communication regarding imminent or

actual service disruption could delay the process of meeting the community's needs. Local governments are part of an elaborate network of information that provides important context for the state when faced with decisions regarding allocation of scarce resources. Creating a process by which some infrastructure operators communicate directly with the state while others communicate directly with local officials will guarantee only one thing: that neither the state nor the local officials will have a complete picture of situational awareness at precisely the time when it's needed most, during times of disaster when decisions must be made quickly in the interest of public health and safety. Under the Stafford Act, disaster response is to be executed at the lowest possible level. It is incumbent upon public utilities, as political subdivisions, to have robust continuity of operations plans to meet not just their primary needs, but also their contingency needs during a disaster, including any resources available to them through the private sector or local government as applicable and available. Removing the requirement for a local disaster proclamation removes at least one measure of assurance that infrastructure operators are doing due diligence in attempting to meet their own resource needs. Under Section 84-162 to 84-167 of Nebraska statute Nebraska Emergency Management Act, the governor already has the authority to declare a vital resource emergency as necessary to protect the health and lives of citizens. And under the Stafford Act, a mechanism already exists by which a state proclamation may be made that includes the interests of political subdivisions. I struggle to see any benefit to this legislation other than convenience to the infrastructure operators, which, in my opinion, is outweighed by the public benefit of assuring that local officials remain fully involved in communications and resource decisions that impact public health and safety. That concludes my testimony.

SANDERS: Thank you, Ms.--

WORDEKEMPER: Thank you, Chairwoman Sanders, and members of the committee. I'll answer any questions you have at this time.

SANDERS: Thank you, Ms. Shipley. We'll check to see if there are any questions from the committee. Senator Wordekemper.

WHITNEY SHIPLEY: Hi.

WORDEKEMPER: I do. Thank you. And we've heard the reference to 84-162 through 84-167. So, I, I don't know that statute, but within that statute, are you saying that if Cooper or OPPD had a catastrophic event, they already have the means to get a hold of the governor and

bypass the system of the normal emergency management process to declare that emergency? Is that what that statute says?

WHITNEY SHIPLEY: No. I think if I understand you correctly-- if I understand you correctly, I'm saying that within the Nebraska Emergency Management Act, which is that section that we cite, there is already a mechanism to get things to the governor really quickly. And I want to reiterate what I've heard before: please keep in mind that response and this declaration process or proclamation process are separate. Response starts immediately, and we're able to move forward even with a verbal confirmation that that proclamation is forthcoming. So, it is literally a matter of a couple of phone calls. The necessary means to expedite the response are already happening. This is literally just phone calls happening behind the scenes to get verbal confirmation with paper proclamation to follow.

WORDEKEMPER: OK. Thank you.

WHITNEY SHIPLEY: Mm-hmm.

SANDERS: Any other questions from the committee? Senator Guereca.

GUERECA: How long would it take Douglas County from-- oh, first of all, thank you, Chairwoman. Thank you for your testimony. I'm thinking about the question right away. Let's say there was a request from an infrastructure operator. How long would that take from request to proclamation?

WHITNEY SHIPLEY: It depends on whether it's eligible for a proclamation. I think herein lies the problem. Some of the things that are requested here are things that are not eligible for a local proclamation because they are company emergencies. And just as we have company emergencies with the airport and the hospitals and a lot of-- a lot of infrastructure entities have emergencies of their own; they deal with those internally with robust coop plans, with resources that they have aligned, and when they exhaust their resources, they draw from the private sector, as do we as local government. Many of the things that have been suggested would not fall within the lines of a proclamation. So, if there's actual damage to the local county where there are consequences to be managed, that is a clear proclamation. It's when there are circumstances where the threat is only to the utility company and their ability to provide service within their business model that it's an issue. That is a business emergency, and there's no provision for that for a local proclamation.

GUERECA: Assume it is eligible. How long does that process take?

WHITNEY SHIPLEY: Minutes. A, a couple of phone calls.

GUERECA: Thank you.

WHITNEY SHIPLEY: I would notify the, the, the mayor and the county board chair to indicate that an emergency is afoot and, and get verbal confirmation that they would support that, and then I would call the state and indicate such.

GUERECA: Thank you.

SANDERS: Any other questions from the committee? See none. Thank you for your testimony. Any other opposition to LB546? Welcome.

BETH BAZYN FERRELL: Thank you. Good afternoon, Chair Sanders, and members of the committee. For the record, my name is Beth, B-e-t-h; Bazyn, B-a-z-y-n; Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials. I'm appearing in opposition to the bill. I won't repeat all the reasons that you've heard why we oppose this bill. Just some of the, the main highlights, of course, are the concern that there is a process in place when there's an emergency. There are plans in place, there are relationships that have been built, there are procedures on how to handle that and how to request a proclamation from the governor, and this bill would bypass those. And we think that the, the process that's in place now is better. I wasn't planning to hand it out, I just had it in my notes, but I had pulled together the statutes that we talked about today, about the vital resource emergency, so I have given that to the page so you can have a copy of those. So you got it. OK. I think with that, I would just open myself to questions, if there's anything I can answer.

SANDERS: Thank you, Ms. Ferrell. We'll just see from the community if there are any questions. See none. Thank you. Any other opposition to LB546? Any testimony in the neutral for LB546? See none. We'll ask Senator Rountree for a closing. Position comments of the record on LB546: proponents, 1; opponents, 4; and zero in the neutral. The floor is yours.

ROUNTREE: OK, thank you so much, John-- Chair Sanders and members of the Government Committee. We-- we're thankful for this opportunity to come before the committee and testify today. We've heard from Omaha Public Power District what their needs are, how they plan to go forward; all the great questions that were asked I hope got great answers. We heard from General Strong and Mr. Portis from NEMA about

the process. We also heard from Ms. Amanda Burki from Lancaster County, Ms. Whitney Shipley and Ms. Beth Ann [SIC] Ferrell from NACO about the process of emergency response and declaration. So, in talking with our OPPD, I think his testimony was that they want to have exercises in future, try to refine this language, streamline it, and continue to try to get to an agreement in the building. So in discussion with them, after all that's been heard and said and done today and listened to, I'm probably going to request that we table this bill in the committee to allow them to get the language that they're asking for in this particular bill, that they would have more time to collaborate and work together. But we wanted this opportunity today to be heard, and their opportunity has been given, so thank you so much for this opportunity.

SANDERS: Thank you, Senator Rountree. Are there any questions from the committee? Senator Andersen.

ANDERSEN: Thank you, Chairwoman. And Senator Rountree, thanks for being here for close. I, I think that's pretty wise advice on the tabling. I would ask you about the-- have you consulted with the, the governor's office on this bill? And if so, what, what feedback did you get from the governor?

ROUNTREE: I have not consulted with the governor's office because I think that NEMA represents in the government's office, so I've talked with Mr. Portis. Prior to coming to this point, we had both these entities in my office, and we had a deep discussion about the bill prior to bringing it to the committee.

ANDERSEN: Thank you.

SANDERS: Thank you. Any other questions from this committee? I, I do want to say I've had this played out when I was mayor of the city of Bellevue. We had a tornado which came right about nightfall, and it took out that southwest corner of Bellevue. And of course, we knew there had to be a process, how do we assess it in the dark? And the, the fire, the police were there to secure it, but at the light of day, brand new homes were no longer there, and neither were the owners yet; they hadn't been able to get to them. One of the owners had all of his handguns, shotguns out, that house was no longer there, and those guns were somewhere in the community. And so, what do we do next? And it was moving very fast. We had looky-loos now driving into the neighborhood to see, and I luckily got a phone call from our governor-- which was Ricketts at the time-- that said, "What do you need?" And he made that connection with the guard right away to come and secure the neighborhood until we had everything under control. But Nebraska works

quickly and resources were there all night long, but then you have to write the declarations. So, I've got to go back to the office, open the office up, type it up, sign it, and then the county, and it goes from there, but-- I'm pretty impressed with, with NEMA and the guard, and all those that have to take part in a disaster. So, thank you for bringing this bill, because if there are any issues, let's tighten that up.

ROUNTREE: Yes, ma'am. Thank you. And I'd just say for the record, I've been impressed with all of these that I've worked with before. We just wanted to brought the bill today, so.

SANDERS: Yes. Thank you very much.

ROUNTREE: Thank you so much. Yes, ma'am.

SANDERS: Thank you. This closes our hearing on LB546. We will regroup and we will begin our hearing on LB508, Senator Hunt. Good afternoon. Welcome.

HUNT: Good afternoon, Chairwoman Sanders, and fellow members of the Government, Military and Veterans Affairs Committee. My name is Megan Hunt, M-e-g-a-n H-u-n-t, and I'm here today to present LB508, known as the "Defend the Guard" bill. This bill I learned about from my friend Senator Conrad, who was approached by some veteran members of the Nebraska Libertarian Party about bringing the bill, but she came up against the 20-bill limit. When I learned about it, I still had some slots for the year, and I thought it sounded like an interesting issue and one worthy of discussion, and the more I learned about it, the more I supported it. And knowing that there are some current and former members of the Nebraska National Guard that wanted a platform to speak about this, I agreed to introduce it. LB508, Nebraska's "Defend the Guard" bill, is part of a national movement, and bills like this one have now been introduced in 30 states. The intent of the bill is to use states' sovereign authority to restore the constitutionally-prescribed balance of war powers between branches of the federal government by requiring a congressional declaration of war in order for Nebraska's National Guard to be sent to active duty combat. In other words, state legislatures can demand that the federal government adhere to requirements for congressional war powers as mandated by Article I, Section 8 of the U.S. Constitution. Under this bill, without an official declaration of war by Congress, states don't have to send their resource of guardsmen from-- for being federalized, except for training and other limited purposes provided in the Constitution, like responding to domestic threats and emergencies. Since 2001, the U.S.

has relied on an authorize-- Authorization of Use of Military Force adopted in the wake of the September 11th terror attacks, adopted by Congress and signed into law by then-President Bush. This AUMF is an option available to Congress that is more politically expedient than a declaration of war, but is also more constitutionally suspect in that it effectively delegates the power of war declaration to the executive branch. This current AUMF from 2001 has been relied upon since 2001 by presidents of both parties to perpetuate the global war on terror, as its broad language gives sweeping authority to the President, to, quote, "take action to deter and prevent acts of international terrorism." Yet, the Constitution plainly requires Congress to declare war before the President can commit troops to any offensive military action. The President-- whether Democratic or Republican or whatever-- should not be able to unilaterally enter into conflicts and send our guardsmen and women to die in war without a check and balance. The authority to activate and deploy National Guard units rests ultimately with states' governors and with Congress for a handful of constitutionally-prescribed purposes. I have an amendment which I meant to distribute, but I forgot, so let me pass this out. So, I have this amendment, AM599, which strikes some provisions from the introduced version of the bill, and these are parts of the bill that have to do with requiring the governor to review current orders that have placed members of our guard into active duty combat, to take steps to return them to Nebraska, and to report to the Legislature about the review. Those sections requiring the government-- or, the governor to take actions on deployments retroactively are not necessary for accomplishing the true intention of the bill. So, just to be clear, the Subsections (3) and (4) in the introduced version would be removed under this amendment, and that's what I intend to have happen. It further tightens up definitions in the language to make sure it passes constitutional muster, clarifies the role of Congress and the governor when it comes to calling upon the guard, and ensures that we are not jeopardizing federal funding for established reasons that the guard can be federalized by Congress. When a Nebraskan enlists in service in the National Guard, they do not typically envision a life of long-term overseas combat deployments. If they wanted to do that, they could have pursued service in other branches of the armed forces. The Guard is intended to respond to emergencies like natural disasters, and to provide homeland domestic support. For international conflicts, the federal government has ample resources to call upon within the Army, Navy, Air Force, and Marine Corps. The current AUMF is meant to engage active duty military forces specifically trained for combat scenarios, not National Guard units. Yet, National Guard played a large role in the war on terror; Guard and reserve units made up about 45% of the

total force sent to Iraq and Afghanistan, and received about 18.4% of the casualties. Misusing the Guard in a prolonged overseas conflict drains needed resources and prevents them from responding in full force to emergency domestic and state needs such as floods, storms, and fires here at home. Many guardsmen and women have shared with me, in their words, that this is not what they signed up for. With LB508, Nebraska can assert our sovereign right as a state to protect our citizen Guardsmen from being dispatched to war. It's a way for us to protect not just our dedicated guardsmen and women from being sent to fight and die in politically-motivated combat based on the whim of a President. It also protects everyday Nebraskans by ensuring that our state's Guard force is available and equipped to readily respond to needs here at home with em-- when emergencies arise. Even a couple of weeks ago, wildfires in Senator Jacobson and Senator Storer's districts-- McPherson and Custer County-- had Nebraska National Guards sent to provide critical aid, something they couldn't have done if they had been deployed overseas. LB508 does not prevent the deployment of our Guard when national emergency or legitimate need for their aid in combat exists; it's simply affirming Congress's duty as a check and balance to declare war rather than allowing an executive branch to authorize this unilaterally. If we're going to ask Nebraska's sons and daughters to go abroad and fight, it is appropriate and constitutional for us to first ask and expect a congressional declaration of war. This is something that's gaining attention and momentum nationwide. Virginia's House recently passed it unanimously, 99-0, with bipartisan support. When current members of our National Guard and veterans and their family members have come to multiple members of our Legislature and asked for this, I think it's important that we hear them out and have this conversation and give it serious consideration. I want to thank the Chadron VFW Post 1375 for passing their resolution unanimously in support of this bill, and the several Marine Corps and Air Force veterans who have fought in combat overseas, who have submitted comments in support of this bill too, as well as those who were not able to be here and speak today, because I know there are many who could not make it today. I've also heard from organizers that there is a significant number of current guardsmen and women who would like to speak in support of this bill, but they are afraid to in fear of retaliation. They are libertarian, conservative, and progressive; they are all honored to serve, and they honor us with their service, and I thank them. I have a few things I might save for my close, but I'm happy to answer any questions.

SANDERS: Thank you, Senator Hunt. Are there any questions from the committee? Senator Lonowski.

LONOWSKI: Thank you, Chair Sanders. Thank you, Senator Hunt. So, the National Guard has a dual mission, and I don't know if, if you're aware of that, but our-- we have a mission of-- our Guard has a mission in peacetime-- we heard about that earlier-- floods, wildfires, tornadoes, the cleanup of, of such things. And the second dual mission is to supplement or to help our, our active duty, who may not have full units at the time, and we, we assist them in a wartime mission. So, I-- you know, I understand we do need a, a declaration, but I also understand that-- and most of the people I've served with were very proud that we had that dual mission. And that might be different with, with some other veterans, but I, I just want you to know that, that there is a, you know-- a lot of people join the Guard for that, that can help both sides of the fence, if you will.

HUNT: I understand, and I appreciate their service.

LONOWSKI: Thank you.

SANDERS: Any other questions? Senator Andersen.

ANDERSEN: Thank you, Chairwoman. Thank you, Senator Hunt, for being here. I understand the premise as I read and, and listened to what you had to say, but it, it kind of begs the question for me, how would you define the roles and authorities of the Commander-in-Chief of the United States of America?

HUNT: I think the role of the Commander-in-Chief is defined. You know, they can have the authorized use of military force, and we've had that going since 2001, and we've used that same declaration since 2001 to continue sending guardsmen overseas. So, that's not something that existed before the September 11th attacks. Like, the authorized use existed, but it hasn't been used in that way since then-- or before then, I guess. So, I guess my intention and, and why I don't think this is really a political or partisan issue is to respect the intention of the framers in the Constitution to make sure that the branch of government that actually represents the people-- Congress-- has the authority to declare war as declared in the Constitution instead of, you know, one figure at the head of the executive branch.

ANDERSEN: OK, then let me just ask you a couple of examples. If you look at the Somali pirates, they capture U.S. vessels in the Red Sea. In order to rescue that crew and that vessel that was illegally captured by the pirates, you need to send a military unit to go do that. So, you're sending them into combat without a declaration of war, and that's the authority of the Commander-in-Chief, right? So.

HUNT: That's right. What is your question?

ANDERSEN: So, can he not do that? I mean, isn't that his authority, without, without the inherent declaration of war, to send combat troops into combat?

HUNT: I think that there are-- have been a lot of deployments of the Nebraska National Guard for overseas missions without a formal declaration of war, notably the Horn of Africa, the Kosovo missions. These are missions that involved armed conflict and would not have been permitted under this bill because there was not a congressional declaration of war.

ANDERSEN: OK, but that's the inherent nature of being a guardsman, right? Is that you train in order to augment, as Senator Lonowski said, to augment the active duty force and to assist overcoming well-- or power to defeat the enemy that-- and that's what the guard is there for, to augment the active duty, right?

HUNT: Right. I think the-- I think the disagreement may be in who has the authority to send them and what constitutes a national emergency. You know, if, if--

ANDERSEN: But that inherent power is given to the President.

HUNT: --if the Somali pirates are a national emergency, you know, OK, maybe that's what people are having disagreements about in this case. But in any case, obviously, I, I appreciate people for their service, for their dedication as service members, and their willingness to put their lives on the line for freedom and-- of, of the people in the United States and our national security interests. But I think that the reason this bill, you know, passed unanimously in Virginia, the reason why there's so much support for it from, from many Guardsmen and many people in the military is because they don't want their work to be politicized; they don't want to be used for, I guess, missions outside of the scope of their duty.

ANDERSEN: So, I appreciate you saying that. And I, and I truly, I truly believe you, you feel that way. I think-- but, you know, you made the comment that the guardsmen said, you know, this is not what I signed up for. I'm pretty sure of full and open disclosure with all the guardsmen, when they sign on the dotted line, they raise their hand and get sworn in, they understand that part of their job, maybe they'll go into combat to defend, you know, Americans who can't defend themselves,

they'll defend American priorities, and, and everything else is determined by the Commander-in-Chief.

HUNT: I did think that sharing that perspective from some guardsmen and women who have shared that with me-- the quote, "that's not what I signed up for"-- I did think that that would raise up a red flag for some of you. And I'm saying that's their view. And that's not everybody's view, but I think that the mission of a guardsman and the mission of people in, in different branches of the military, they are different. And people do select branches of the military and opportunities for public service, whether that's enlisting in the Air Force or "enishing" in the National Guard because they have different goals in their life and they have different-- you know, it's a different job.

ANDERSEN: Sure.

HUNT: So, yes, in an emergency, all of these brave service members are willing to put their lives on the line, but I think that there-- there's, you know, a lot of people feel like they-- they've been misused in that way.

ANDERSEN: So, I, I agree with you. This is not a political discussion.

HUNT: Right.

ANDERSEN: This is not a left/right-- this is a policy discussion. Right? And maybe I am a one-dimensional, simple kind of guy. Right, Senator Cavanaugh? But I think when people raise their right hand and they-- whether they're active duty, they're guardsmen, you know, you have a guy that's a tank driver or a guy who's in artillery or an infantry man. You know, they have to logically, inherently know they're being trained to be tasked to go and execute combat. Right? So, then it comes down to-- from your comments is who has the authority to do that? And your bill seeks to limit the authority under a very narrow situation--

HUNT: My bill--

ANDERSEN: --taking away that ability from the president.

HUNT: I would disagree "limit." My bill seeks to clearly define the authority already outlined in the U.S. Constitution.

ANDERSEN: I guess you and I can agree to disagree.

HUNT: Yeah.

ANDERSEN: Thank, thank you, Senator.

SANDERS: If I may, Senator Hunt, will there others to follow you that are--

HUNT: Certainly.

SANDERS: --personally, professionally addressing this issue and, and the, the language in your bill?

HUNT: Certainly.

SANDERS: Thank you. Thank you for trying to answer the questions, but-- I don't think we're here to debate Senator Hunt, but the hearing is to be able to listen to everyone that [INAUDIBLE] proponents and opponents.

ANDERSEN: I was just trying to get clarity.

SANDERS: And I think we'll get that with the other testifiers. Are there any other questions from the committee? See none.

HUNT: Thank you.

SANDERS: And you'll stay for the clo-- well, you have another--

HUNT: Yes, I have another bill, but I think, I think I'll be able to be back.

SANDERS: OK.

HUNT: Thank you.

SANDERS: Thank you very much. We'll ask for proponents on LB508. Are there any proponents? Are we supposed to whisper?

ALLIE BUSH: Oh, no. I've trained her. I can talk as loud as I want; she stays asleep when she's in there, so.

SANDERS: Welcome.

ALLIE BUSH: Good afternoon. My name is Allie Bush, A-l-l-i-e B-u-s-h. I'm representing the grassroots group Nebraskans Against Government Overreach, and very respectfully, I'd like to push back; this is simply about following what's outlined in the U.S. Constitution. It's not

politicized. There were several Republicans that were approached first that were interested in supporting this bill, and for one reason or another, they did not do so, so I would ask, as we move forward with this, that we-- I know it's going to be a thing. It's very odd for me to support a bill from Senator Hunt, but she's right with this one. This is a good bill. We need this. We are in favor of following the U.S. Constitution as it was intended, as it was outlined, and to seek the end of wars that are driven by money and greed. And we absolutely respect our service members; their dedication to this country is something that many other countries don't have. And with that, we should respect their service and follow the Constitution and the proper orders of putting them into active combat or a supporting role. I, I don't really have much else to add. We just wanted to be here to submit it and ask-- submit our support for this and ask that we not politicize this. Senator Hunt has expressed in the past years that she brings forward bills, and no matter what the bill is, whether it's a good idea or a bad idea, it never gets to move forward because it comes from her. And so, I'd really like to encourage and ask this committee to set that aside this time and look at this bill for what it is, and we're simply trying to follow the U.S. Constitution as it's written. Thank you.

SANDERS: Thank you, Ms. Bush. Are there any questions? See none. Thank you for your testimony.

ALLIE BUSH: Thank you.

SANDERS: Are there any other proponents on LB508? Good afternoon. Welcome.

TIMOTHY J. CHRASTIL: Good afternoon, Chairperson. Let me pull up my, my notes here. My name is Timothy J. Chrastil; that's T-i-m-o-t-h-y J. C-h-r-a-s-t-i-l. I'm here today to testify in support of defend the-- the "Defend the Guard" bill. I served in the Nebraska National Guard for nine years, including a tour in Iraq from '04 to '05. I enlisted three months after 9/11 at the age of 17 because I believed in defending my country and protecting the freedoms we hold dear. The National Guard exists primarily to serve our state and protect our communities. However, in the past several decades, we have seen our guardsmen increasingly deployed overseas for conflicts with-- without a formal declaration of war by Congress, as required by the U.S. Constitution. If we're going to send our men and women into harm's way, we must ensure that it's done with full accountability and adherence to the rule of law. When I deployed to Iraq, I served alongside many brave soldiers. Many of us were young, with careers, families, and futures we had planned here at home. Two guardsmembers I deployed with made the

ultimate sacrifice and did not make it home. While we answered the call with honor and without hesitation, we also firsthand-- saw firsthand the strain these deployments placed on our families, our employers, and our communities. The "Defend the Guard" bill ensures that Nebraska guardsmen are sent into federal combat operation-- aren't-- are not sent into federal combat operations unless Congress follows the Constitution and formally declares war. This isn't a question of patriotism; we have already proven our willingness to serve. It is a question of responsibility. If the federal government believes a conflict requires our service, they should have the courage to follow the Constitution, the constitutional process, and make it official. This bill upholds the original intent of the Guard, safeguards the rights of the states, and most importantly, protects the men and women who sign up to serve. I urge this committee to support "Defend the Guard," and ensure that our National Guard is used as intended to protect Nebraska first and foremost, and to serve the nation only when war is properly declared. Thank you for your time, and I'm happy to answer any questions. And I would like to-- sorry. I would like to also say, Senator Andersen, in the event of a Somali pirate type situation like you mentioned earlier, the president would have federal, federal resources that he could, could call on before the National Guard.

SANDERS: Thank you, Mr. Crystal [SIC]. We'll check to see if there are any questions from the committee. See none. Thank you for your testimony.

TIMOTHY J. CHRASTIL: Thank you.

SANDERS: Any other proponents on LB508? Welcome.

MATTHEW LORENCE: Thank you, Senators, committee. My name is Matthew Lorence, M-a-t-t-h-e-w L-o-r-e-n-c-e. I'm speaking in support of the bill today as both an Air Force veteran and a Nebraska Air National Guard veteran. During my service, I supported Operations Iraqi Freedom and Enduring Freedom as a security forces troop, and later deployed on a short notice to support Operation Inherent Resolve as a 155th civil engineering NCO. Since separating, I have reflected on the oath of enlistment, solemnly swearing to support and defend the Constitution of the United States. While in uniform, discussions of the Constitution were rare; we followed orders without much reflection on whether our actions aligned with the document we swore to defend. But understanding the Constitution and embracing civic duty allows veterans like myself to uphold the oath beyond our service. One of the powers delegated to the states-- to the federal government under Article I, Section 8 is the authority to declare war. Since Congress has not formally declared

war since the 1940s, it is clear that this constitutional responsibility has been neglected. Debating matters of war is Congress's most solemn duty, yet for too long that responsibility has been deferred to the executive branch. Nebraskans who value their civic duties must take a stand, whether by reasserting our Tenth Amendment powers or preventing, or preventing further constitutional erosion. As Nebraska Congressman Howard Homan Buffett argued when opposing a similar responsibility shift to the executive, passage of this measure would accelerate the wholesale government spending that will eventually cause runaway inflation, this bill would constitute an unsurpassed grant of power to an administration with an unbroken record of bungling our foreign and domestic affairs. His words remain relevant today. The military actions since 2001 have contributed to significant inflation and unchecked executive authority in foreign policy. It is time to reaffirm that power to debate and declare war belongs to Congress. This bill demonstrates that Nebraskans take their civic duties res-- seriously. We value our soldiers, airmen, and their families; those who have fought in wildfires in our state, assisted during severe winter storms, and served on numerous volunteer deployments. It is our duty to ensure they are never sent to harm's way without the constitutional debate they deserve. Thank you.

SANDERS: Thank you very much for your testimony. We'll see if there are any questions from the committee. See none. Thank you, Mr. Lorence, for your testimony. Are there any other proponents on LB508? Any opponents on LB508? Welcome back, General Strong.

CRAIG STRONG: Good afternoon again. I will use my glasses on this one. Good afternoon again, Chairwoman Sanders, and members of the committee. I, again, am Major General Craig Strong, C-r-a-i-g S-t-r-o-n-g, the Adjutant General of the Nebraska National Guard and, and the director of the Nebraska Emergency Management Agency. I come before you today in opposition to LB508, which is commonly referred to as a "Defend the Guard" legislation. Let me just start by saying that LB508 is part of a larger effort to pass "Defend the Guard" legislation in a number of states, and I do believe it comes from a place of well, well-meaning. And quite frankly, I read the title when I-- before I learned about it, and it sounded good to me. "Defend the Guard." But when, when you unpack it, you realize all the landmines within this bill. And also, a point of clarification on Virginia, it did not make it through the Senate. I asked General Ring from-- the Adjutant General from Virginia, I said, how'd, how'd this get through your House? And he said, well, I wasn't around. I was-- I never had a chance to testify. I was actually TDY. So, I made sure I was in town when this hearing was going to occur. But-- so at this point, not one single state has enacted this

legislation, which is likely unconstitutional, jeopardizes federal funding, and risks hampering the state's ability to respond to emergencies. To begin with, LB508's primary impact will be to prohibit the Nebraska National Guard from being federalized and deployed into active combat overseas unless the United States Congress has declared war. This bill would require the governor to take action to override the federal deployment of Nebraska National Guard members he determines have been placed into active combat without the requisite declaration of war being declared by Congress. It's important to acknowledge upfront LB508's potentially immense consequences to national and state military readiness. This bill would purport to give the governor the authority to override the federal deployment of members of the Nebraska National Guard to armed conflict overseas when Congress has not declared war. As you know from a historical perspective, Congress has not declared war since World War II-- has not declared war since World War II. Nevertheless, members of the Nebraska National Guard have been deployed to armed conflict abroad on numerous occasions, including most recently in Iraq and Afghanistan during the global war on terror. The first major concern with LB508 is its likely unconstitutionality. Nearly 35 years ago, the United States Supreme Court in Perpich v. Department of Defense rejected an attempt by the governor in Minnesota to override federal orders, sending members of the Minnesota National Guard overseas for training. As the court noted, since 1933, every person enlisting in a state National Guard unit simultaneously enlists in the National Guard of the United States, where they are reserve component-- which is a reserve component of the Army and the Air Force. Under this dual-oath system, when members of the Nebraska National Guard are federalized, they are part of the Army or Air Force, and are subject to the command and control of the President. The guardsman's state affiliation is suspended in favor of the entirely federal affiliation during the-- during this period of active duty in the Army or the Air Force. Thus, guardsmens are no longer subject to the command and control of the governor until they have returned to the state. The Supreme Court upheld the constitutionality of this dual-oath system of the modern National Guard in Perpich in determining that the Minnesota governor could not override the deployment of members of the National Guard for training duty abroad. While Perpich involved training overseas rather than active combat as defined in LB508, that distinction does not result in a different conclusion. As the Supreme Court stated, when National Guard members are federalized into the Army and Air Force, the Constitution's militia clause no longer is applicable. The governor would thus lack authority under the Constitution's Supremacy Clause to override the federal deployment of Nebraska National Guard members, whether that deployment involves

training or active combat. Furthermore, Congress has wide latitude to authorize military force without formally declaring war and has done so repeatedly in our nation's history, including in the days after 9/11 attacks and through various emergency statutes. When Congress, when Congress consents to the use of military force, whether through a declaration of war or other means, the President is acting at the peak of his Commander-in-Chief powers under the Constitution. Faced with such broad federal authority, LB508 would place the governor in the difficult position of attempting to override the deployment of Nebraska National Guard members into active combat on the grounds that the method by which Congress consented to the use of force was legally insufficient by Nebraska standards. Besides its clearly dubious constitutionality, LB508 possess significant threats to federal funding and equipment as well. The Nebraska National Guard receives over 90% of its funding from federal-- the federal government. In fiscal year 2-- 2025 alone, the Nebraska National Guard had a total federal appropriation of $340 million from the federal government. These funds pay for everything from the personal costs of soldiers and airmen to sustainment of armories and other military facilities to day-to-day operations. Similarly, nearly all of our equipment is provided by the federal government. This equipment includes not just weapons and ammunitions, but also helicopters, vehicles, and other vital equipment used to fight wildfires, respond to natural disasters, and assist law enforcement. The federal government hasn't provided us their Chinook helicopters to fight fires in western Nebraska; they have provided those helicopters to fight in our nation's war, but have the dual use that can be deployed and used in firefighting capability. So, in other words, we have these helicopters because of the federal mission. The vital federal funding and equipment is not provided unconst-- unconditionally. We see that federal funding and equipment is contingent upon the state meeting federal requirements, and this dates back to 1903. One--

SANDERS: General Strong? Excuse me.

CRAIG STRONG: In summation--

SANDERS: [INAUDIBLE] because you hit the red light. But please--

CRAIG STRONG: I'll go with questions.

SANDERS: No, I would like you to finish.

CRAIG STRONG: Oh, you want to? OK. I can finish.

SANDERS: I don't want you to rush through your closing.

CRAIG STRONG: All right.

SANDERS: Thank you.

CRAIG STRONG: One key requirement is combat readiness. The National Guard is the primary combat reserve of the Army and the Air Force. Under federal law, a state that fails to comply with these federal requirements for the National Guard may be barred from receiving federal assistance. A state that attempts to override the deployment of federalized National Guard forces seriously jeopardizes its federal support. In Nebraska's case, this would involve the last-- loss of our federal funding and the reallocation of that equipment; those Chinook helicopters would move to Wyoming. This, in turn, would have immense consequences to the state, including limiting our ability to effectively respond to emergencies and disasters. The economic impact to the state may be immeasurable. In close, LB508 is likely unconstitutional, jeopardizes federal funding and equipment Nebraskans rely upon in support our National Guard and to respond to emergencies within the state. It would upend our system of federalism by purporting to authorize the governor the authority to override the orders of the President of the United States. "Defend the Guard" legislation, as I said, is prior-- perhaps is well-meaning, comes from a noble place, but if implemented, would likely lead to defunding the Guard in Nebraska and cost soldiers and airmen their jobs. Thank you, Chairwoman Sanders and members of the Government, Military and Veterans Affairs Committee, for your time today. And I'm happy to answer your questions.

SANDERS: Thank you, General Strong, for your testimony. We'll see from the committee if there are any questions. Senator Guereca.

GUERECA: Thank you, Chairwoman, and thank you, General, for being here and for your service. Just a question, curiosity. In your statement-- or, your testimony, you said that Congress has the ability to consent to the use of military force through declaration of war and other means. I was just wondering what other means are available to Congress.

CRAIG STRONG: Through resolution, through state stat-- or, I'm sorry, through federal statutes.

GUERECA: OK. Thank you, sir.

SANDERS: Any other questions for General Strong? Senator Lonowski.

LONOWSKI: Thank you, Chair Sanders. Thank you again, General Strong, both for your testimony and your service. If a, if a young soldier wanted out of the unit going to a deployment, is there a way-- let's say his wife is pregnant, or he's just-- his father is terminal or something. Is there a way--

CRAIG STRONG: I, I dealt with this as a commander in Iraq. And yes, we, we do have hardships that would be-- can be considered on a case-by-case basis, to-- if, if that's what you're asking.

LONOWSKI: Yes, yes.

CRAIG STRONG: Not-- you're not as a conscientious objection. You're talking physical hard-- family hardships.

LONOWSKI: Right.

CRAIG STRONG: Yes.

LONOWSKI: OK.

CRAIG STRONG: Those are considered in weight [INAUDIBLE].

LONOWSKI: And the-- and then, the, the tuition bill, how much of that is paid by federal and how much is paid by state?

CRAIG STRONG: Our-- on our-- on the Army side, we do receive some federal-- 50% federal. But for our Air side, we-- it's state-funded, and then it augments-- the state augments all of our tui-- the other half of the Army tuition.

LONOWSKI: OK.

CRAIG STRONG: So, we do res-- we do provide 100% tuition assistant, with the bulk of that coming from the state, from appropriated funds.

LONOWSKI: OK. Thank you.

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

CRAIG STRONG: All right. Thank you.

SANDERS: Are there any other opponents for LB508? Welcome, General Lempke.

ROGER LEMPKE: Chairwoman Sanders, thank you very much. My name is Roger Lemke; Roger, R-o-g-e-r; Lempke, L-e-m-p-k-e. I'm here today to testify as an opponent to LB508. To me, it should probably be retitled as "State Restrictions on Title 10. State active duty, the governor can pay to deal with an emergency through state funds. Title 32-- federal money that comes to the state to pay for training of our National Guard and reserve soldiers and airmen. And of course, Title 10-- which is the real issue here-- which is when the President can activate the Guard and Reserve and-- into, into active duty. When I became TAG in 2000, there was talk about whether or not the nation even needed a National Guard. Times have changed dramatically since then. Today, the Guard and reserves are totally integrated with the active duty. The active duty cannot serve to perform missions without the National Guard and Reserves. You're talking about 72% of our combat service support to the Army comes from the Guard. You're talking about 27% of the combat brigades that come from the Guard. And I would-- and that implies better equipment and better training, and I would suggest to you that that better training and that better integration is for saving lives. I can recall early on when it was quite difficult integrating our soldiers in particular in with the active component. Now, that is much better, and they're much more knowledgeable on mission response and cooperation with the active duty. Our Air National Guard, you might as well almost call it an active duty unit; they're serving missions all the time that support our active duty air forces throughout the world. Title 10 isn't just act-- isn't just war, which is what this thing deals with. We're in Africa, we're in Japan, we're in Kuwait; none of these have a known conflict going on right now, but that's our, our status as a nation. We have to be-- we have to serve, we have to go to protect ourselves, to prevent war, and the National Guard is a key part of that because of its integrated relationship with the active duty. Now, that deals with that. I can tell you from experience that if we pursue this line, which allows the governor to add restrictions to Title 10, then I can tell you we-- the Craig Strongs of the future will have great difficulty in getting additional units and saving units, and saving capabilities here in Nebraska. At the federal level, they cannot afford to simply allow Nebraska to go its own way without moving the force structure it needs, is going to need, to different parts of the country, as General Strong suggested. I will conclude by simply saying, finally, the definition here of "armed conflict" act-- or of active combat is difficult to ascertain. "A hazardous service relating to an armed conflict in a foreign state." Our Air Guard deploys to Spain, nowhere close to an area of conflict, but they're supporting our forces in Eastern Europe, in the, in the Middle East. "Performance of a duty through an instrumentality of war." I don't even know if I can

understand what that really, really means. So, I caution you about proceeding with this legislation at this point. It does Nebraska no good; it does-- it's particularly no good; it does the nation no good. So, I appreciate if you would just hold it at this spot. Any questions for me?

SANDERS: Thank you, General Lempke, for your testimony. Will we be able to have a copy of your written testimony?

ROGER LEMPKE: Actually--

SANDERS: Because there's some numbers in there that would be nice to have.

ROGER LEMPKE: I submitted a letter or-- through the system, and it's got those numbers and stuff in it, so.

SANDERS: OK. Thank you very much.

ROGER LEMPKE: Yes.

SANDERS: Are there any questions for General Lempke? See none. Thank you for your testimony.

ROGER LEMPKE: Thank you.

SANDERS: Any other opposition on LB508? Welcome.

RYAN McINTOSH: Good afternoon, Chair Sanders, members of the committee. My name is Ryan McIntosh, M-c-I-n-t-o-s-h, and I'm testifying on behalf of the National Guard Association of Nebraska, which represents the commissioned and warrant officers of the Nebraska Army and Air National Guards. While well-intentioned, we do believe that this legislation would undo the Nebraska National Guard as we know it today. I don't have a whole lot to add from what General Strong and General Lempke both stated to this committee, but it, it would jeopardize our mission. I'll note that Nebraska-- both the Air and the Army National Guards have absolutely one of the highest retention rates in the nation. I don't think that-- I enlisted in 2008; I had no illusions that we'd be supporting the global war on terror and other combat missions, and I do not believe that anyone that's enlisted since that time would have any illusions about that as well. The Army and Air National Guards serve as the operational reserve to the active component, not just the emergency reserve. So, with that, we would encourage the committee to indefinitely postpone the legislation. Thank you.

SANDERS: Thank you, Mr. McIntosh, for your testimony. We'll see if there are any questions from the committee members. See none.

RYAN McINTOSH: Thank you.

SANDERS: Thank you very much. Any other opponents on LB508? See none. Any neutral testimony on LB508? Good afternoon and welcome.

SPIKE JORDAN: Good afternoon, Senators. My name is Spike Jordan, S-p-i-k-e J-o-r-d-a-n. I have the privilege and honor of serving as the Dawes and Sioux County veterans service officer, but in this instance, I'm testifying in my own personal capacity. The reason why I decided to stay neutral on this is, is to just give, I guess, a little bit of history and, and some of the research that I've done on this. In 1978, a study conducted for the Pentagon had stated in stark terms: a truly mission-ready selected reserve is not one of several alternatives to assure our country of an adequate defense; it is the only alternative. And that emphasis on every aspect of the force-- personnel, training and equipment-- contributed to the creation of a reserve forces that demonstrated a higher degree of peacetime readiness than ever before. In 1980, Ronald Reagan promised to rearm America. Units that were first to fight were the first ones to get equipment instead of receiving the worn-out hand-me-downs from the active duty forces. By 1989, our active duty military was over 20-- 2.1 million troops alone, with an additional 1.18 million essential reservists and guardsmen. Despite an overwhelmingly successful blitz during Operation Desert Storm, the recession kind of sealed the fate for George Bush Sr., and a young Arkansas governor running to upset him crushed him with a simple campaign slogan: "It's the economy, stupid!" And so, defense spending was cut in the '90s; we no longer had the Soviet Union that we had to go and fight against, and a lot of the missions that were normally done by those 2.1 million active duty troops got transferred into Reserve and National Guard units. Whenever the war on tar-- global war on terror started, I'm sure folks can remember Donald Rumsfeld getting pulled in front of Congress to say-- to testify about the state of equipment and the manpower, and he, he told Congress that you go to war with the Army that you have, not the Army that you want. Today, the combined numbers of the U.S. military are 1.3 million active duty troops, with around 754,000 reservists and guardsmen, so about 1.4 million troops combined. It has rarely gone up above that during the whole global war on terror. To put it in perspective, about 12 million Americans were mobilized during World War II. By 1947, the peacetime armed forces had shrank down to 1.5 million. And the wars that are fought today, most of the logistics-- the bullets, beans, and Band-Aids-- that are necessary to get there to support our fighters are

done by the reserve. And by the reserve, I mean National Guard units, Air National Guard units; a lot of our, our cargo planes and everything else. You know, since we've gone to a voluntary force, we-- we've seen society kind of change. I got the red light here, so--

SANDERS: Please finish your thought.

SPIKE JORDAN: You bet. We've watched the ranks swell and contract over years, but since we've saw an all-volunteer force, experiencing war has become voluntary itself, and the compassion for the warfighter has largely become a voluntary act as well. And so, I have a difficulty thinking about whether this would be something that would be good for, for the nation, or if it would be a detriment. But I'd be happy to answer any questions you may have.

SANDERS: Mr. Jordan, thank you for your testimony. Most appreciated. Are there any questions from the committee? See none. Thank you very much.

SPIKE JORDAN: Thank you.

SANDERS: Are there any other neutral on LB508? Good afternoon.

RON TODD-MEYER: Chairwoman Sanders and members of the committee, my name is Ron Todd-Meyer, R-o-n T-o-d-d-M-e-y-e-r, and I had submitted some comments to this committee this morning, so I-- but I just want to add a few more details. And I'm a member of Nebraskans for Peace and Veterans for Peace. I served in Vietnam in 1967 and '68. At that time, the National Guard was voluntary, and people joined the National Guard so they wouldn't have to go to Vietnam. And that's what I think-- most of us grew up with that idea. A lot of people grew up with that idea that if you served in the National Guard, you wasn't going to be sent into a combat zone, and that's the way it should be. I think the National Guard was designed to protect the homeland and not be sent into some combat zone. And I, I belong to peace organizations now because I believe General Dwight Eisenhower had it pegged right after-- when his-- in his concluding remarks as President. He said we're being controlled by the military-industrial complex, and every-- everything is controlled by money and war-making machines. Yesterday, the House passed a bill, continuing resolution; it, it gave the, the military 6 billion more dollars, and it cut $13 billion from domestic programs. We are being controlled by the military, and, and that's why all of these wars have been fought, and we need to find ways to find-- to settle conflicts by peaceful means. And that's what I think the organizations-- Veterans for Peace has been phenomenal for me to get

through this whole idea of what we did in Vietnam and what we've done to every war since. We did it to our soldiers. The other thing I want to make-- mention, I think the last speaker mentioned it, too. In Vietnam, I was drafted. I was drafted into the Marine Corps, so-- and people in this country, there was a lot of people that had military or soldiers in the military at that time. Today, there's only 1% of families in this country that have anybody in the military. And I guess what I would like to see happen is we need a national service, I think that is great. But we need to find other ways to serve our country and serve the world around us and our neighbors, and we can do that without using military force all the time. Thank you.

SANDERS: Thank you. Mr. Dodd-Meyer [SIC].

RON TODD-MEYER: Ron Meyer.

SANDERS: Ron-- for your testimony.

RON TODD-MEYER: Thank you.

SANDERS: Thank you. Let me check to see if there are any questions from the committee members. See none. Thank you very much. Are there any other testimonies for LB508 in the neutral? Welcome.

RYAN NICKELL: Hello, Government, Military and Veterans Affairs Committee. My name is Ryan Nickell, R-y-a-n N-i-c-k-e-l-l. I kind of want to support this, but also I'm-- too, I'm going to be in the neutral capacity here. I'm all for not fighting wars for the rich, but also-- I also don't want the National Guard being deployed against striking workers within our own borders, like what happened under Grover Cleveland. Yeah, so, thank you. Yeah, I was just reminded yesterday about that too, because yesterday there was a Starbucks in Chicago that went on strike. And what happened? The police showed up and arrested them. And I don't want that. Where, where are we going if we're arresting baristas on a ULP strike? So, I don't want the-- to see the National Guard doing that either, or else they're just fighting wars for the rich again. So, thank you.

SANDERS: Thank you, Mr. Nickell, for your testimony. Hold on. See if there are any questions for you from the committee. See none. Thank you. Are there any other testimonies in the neutral for LB508? See none. If Senator Hunt is still here for closing. Position comments for the record today: proponents, 21; opponents, 4; and 1 in the neutral.

HUNT: Thank you, Madam Chair, and thank you again to all the people who came to testify and share today, and to everybody who came to

participate in our hearing today. I also want to thank members of the committee for your time and attention, and also for your service. Senator Lonowski, Senator Andersen, Senator McKeon, and Senator Wordekemper, your brother who also served. My brother also serves, and, you know, while that's not something I've done, obviously I'm very close to him and-- he and I are very different. You know, if you got a problem with me, you might really like my brother, but, but he and I are very close, and we learn a lot from each other, and-- yeah. I'm very grateful to everybody for your service, that's all. One thing I thought was interesting, two proponents of this bill-- our director of National Intelligence, Tulsi Gabbard and U.S. Secretary of Defense Pete Hegseth, they are both proponents of this bill. And also, this bill passed out of committee in two of our sister states in South Dakota and in Wyoming this year, so those are states that will be taking this up with their legislatures in this session as well; that happened in January. One thing I'll note about funding, with the amendment that I passed out, the amendment does remove some of the opposition. I, I have no doubt that, that some of the opponents will still be in opposition even with the amendment, but it does address some of the concerns that we heard today. One thing I'll note is that Congress sets the military budget, and that President and military leaders can't slash National Guard funding. And Nebraska's congressional delegation, I think, would be very hard pressed to authorize any kind of funding cut for the National Guard in Nebraska. Title 10 is for national defense generally, and the bill doesn't cover Title 10 deployments for training, humanitarian aid, national disasters, or other non-combat operations. As such, it specifically addresses the deployment of National Guard members to active combat zones, ensuring that such deployments are only authorized with an official declaration of war. No section of Title 10 permits the President to federalize the National Guard from the State of Nebraska, or any other state for peacekeeping or contingency operations. Both imply that combat is imminent, which directly contradicts the purpose of the National Guard under constitutional war powers. The militia was never intended to serve as a standing international security force, and its federalization must adhere strictly to congressionally-declared wars and constitutional mandates, and that's the intention of this bill. I'm happy to answer any questions. Thank you.

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

HUNT: Thanks everyone.

SANDERS: Thank you very much, and thank you for introducing LB508. This closes the hearing on LB508. We'll move into our next hearing on LB693. Senator McKeon. Welcome, Senator McKeon.

McKEON: Thank you. Good afternoon, Chair Sanders, and members of the Government, Military Veterans and Affairs Committee [SIC]. I'm Senator Dan McKeon, D-a-n M-c-K-e-o-n, representing 41-- District 41 in the Nebraska state legislator [SIC]. I'm here to introduce LB693. Because of the importance of this bill, we are providing a great deal of background and documents in our handouts about the important issue that we are-- can only touch on in this opening. However, it gives you the opportunity to explore in more detail on your own and place the information on official record on this hearing. LB693 was brought to us by the Nebraska chapter of the Veterans of Foreign Wars. The intent is to protect Nebraska veterans from defraud by people offering benefits, claims services, illegal for pay to veterans that are offered free of charge by veterans organizations such as-- such so a veteran should not be forced to pay. These practices are already a violation of federal law. Until 2006, there was a clear enforcement mechanism. Unfortunately, in a sneaky move by the worthy Nancy Pelosi, the description of Obamacare, as in we had to pass the bill to see what's in it. Congress removed the penalties. We have found no clear path of how this had happened. There have been bipartisan efforts, including a bill filed in Congress a few weeks ago to fix this, but because of the dysfunctional, partisan nature of the Congress, the problem hasn't been fixed. Three states have passed a similar legislation to LB693 to fix this. New York did it several years ago; recently, New Jersey and Maine have passed the bills. The nonpartisan Unicameral should be the fourth to do this. While it's-- it is inconsistent with federal law, Louisiana just passed a law that allowed an unaccredited private company to assist in veterans, but it has a limits on how much can be charged. Public disclosure of the companies to the state Veterans Administration, plus outlined several specific practices, adds more specific disclosure requirements to a veterans before entering into a contract is arguably better than the status quo, but it's still not satisfactory to protect vulnerable veterans. These scams have increased since the passage of the PACT act in, in Congress in 2022 that increased annual compensation by veterans by $135 billion. According to the Consumer Financial Protection Bureau, claims, claims sharks who present themselves as consultants or coaches use aggressive tactics and false promises to pressure veterans into paying fees for assistance. These companies have been given cease and dissent [SIC] orders by the VA, but without this enforcement penalties, a multi-dollar industry has developed based on ignoring the law. Honest companies should have to,

have to come out of the-- out of the shadows. Fees are often a percent of the future benefit-- of the benefit payments that can be as much of more than five times the amount of, of the increase in the benefit that can be obtained with the help that is free. We might be able to charge more reasonable fees if these companies weren't burning profits on the national army of lawyers and lobbyists. According to the Disabled American Veterans national service director, Jim Marszalek, the, the DAV will never charge a veteran for claim assistance. We have over 3,700 benefit, benefit advocates who assist hundreds of thousands of veterans annually. Helping veterans should never be about a profit; it's simply about ensuring that they receive the care and benefits they have earned. There are thousands of more benefit advocates with other veterans organizations that do not charge. The DAV, the VA, the state, the county, and other veterans organizations warn veterans about deceptive tactics and warn-- warning signs of scams that they should report. LB693 addresses these attempts to defraud veterans in applying for benefits by amending the Uniform Deceptive Trade Practice Act, act to include them in the definition found in the statue of 87-302. The worst of these crooks should be-- should-- crooks could probably be prosecuted under the current act, but this "legilation" makes it clear that there is-- that there is accountability. There's-- is being a test in North Carolina, where veterans have brought a class action suit and a, and, and a federal suit. There are some of the specific practices of veteran organizations are warned against. Any person or organization that charges a fee or a percent of benefits to help with an initial claim is a violation of federal laws and regulations. A person that guarantees for a fee in a large increase in a veterans service-connected disability rating-- only the VA can make disability rating determination. A veteran must provide a payment in exchange for a health care provider promise of a diagnostic or an exad-- exaggeration of a medicine condition-- a medical condition. Scammers use this deceptive practice to lure veterans, demands that veterans sign contracts with membership fees, provide banking information, and share account passwords. Claims sharps [SIC] typically have veterans file their own claim and then come to collect that after the VA makes, makes a rating. These companies work with no transparency in the shadows caused because they break the law. Veterans must sign their own paperwork so that if something goes wrong and it is a fraudulent claim, the veteran would take the blame. They use the excessive harassing ad-- advertising tactics. One visit to one website will fill your social media with ads from the company and many others with exaggerated claims of what they will provide. Our veterans who have sacrificed so much for our nation deserve better than this. We owe them a duty to protect them from being defrauded. I ask this committee to do the right by the

veterans and advance LB693 to the General File. We do have a small amendment, AM392 [SIC], that we introduced that fixes an unintentional error that excluded the State of Nebraska Veterans Service agent-- agents from being exempt. I ask for your support for the AM392 [SIC]. Any questions?

LONOWSKI: AM302.

SANDERS: Thank you, Senator McKeon, for your testimony on LB693. See if the committee has any questions. See none. Thank you. And you'll stay for closing?

McKEON: I will.

SANDERS: Thank you. We'll call on proponents on LB693. Welcome.

KEN YOUNT: Thank you. Madam Chairwoman and members of the committee, my name is Ken Yount; that's K-e-n Y-o-u-n-t. I am the Nebraska state commander for the Veterans of Foreign Wars. I'm here today to urge you to pass LB693 out of committee for a full vote. This bill is designed to protect veterans from predatory companies that have and will continue to ignore the U.S. federal code governing this matter. The VFW is concerned that bad actors are preying on veterans by skimming their earned veterans benefits. Claim sharks often charge veterans the equivalent of 5 to 10 times-- months-- 5 to 10 months of their future disability payments. This is money that many veterans may not have, potentially putting them in debt simply for trying to access their earned benefits. This is both unethical and illegal. Many of these companies unlawfully use veterans' login credentials for VA websites and call centers. Some charge tens of thousands of dollars from future benefits for their services. If a veteran receives a disability percentage increase years later, these companies often return seeking more money, whether they performed additional work or not. Furthermore, they routinely obtain medical opinions from affiliated medical providers, which raises significant ethical concerns. Anyone who assists veterans with the preparation, presentation, or prosecution of a VA claim should adhere to established fee caps, or face penalties. We therefore support common-sense legislation that requires everyone who charges veterans for claims assistance do so under the VA accreditation, and to follow the legal precedents established for accredited agents and attorneys. These companies will argue that they are simply offering veterans another option, and that veterans deserve the right to choose. We are saying do it the right way; become accredited, follow the cap fees, and we'll have no issues. But many of these companies refuse to do so because they do not want to follow the

fee caps, as it doesn't align with their business model. I am currently aware of nine states that have passed anti-claim-shark laws prohibiting the charging of veterans for initial claims assistance: Washington, Iowa, Michigan, New York, Illinois, Nevada, New Jersey, Maine, and Massachusetts. Contrary to what the claim sharks may say, Louisiana has passed legislation that, that allowed them to take up to $12,500 from a veteran or their family. This is simply shameful, and-- which is why the state of Louisiana's Veterans of Foreign Wars is suing the state of Louisiana over the passing of this bill and how it was done. That case is scheduled to be heard in June of 2025 according to the VFW state commander in Louisiana, which I spoke to last night just to verify that that was actually happening. The VFW urges you to pass LB693 to prohibit nefarious conduct by unscrupulous claim sharks against our veterans and their survivors. Lastly, I want to point out that there's no financial note, no fiscal note to this bill. It's simply doing the right thing. Thank you again for this opportunity to testify today. I'm happy to answer any questions that you may have.

SANDERS: Thank you, Commander Yount, for your testimony. We do have questions from the committee. Senator Lonowski.

LONOWSKI: Thank you, Chair Sanders. Thanks there, Mr. Yount, for bringing this. Do you know of cases in Nebraska that this has happened?

KEN YOUNT: No.

LONOWSKI: OK. And you mentioned that they'll continue to ignore the U.S. federal code. So, if they ignore that code, what's to keep them from contacting our veterans and doing this? Would-- I mean, will, will this bring about some sort of guardrail?

KEN YOUNT: This, this will allow our AG to, to actively prosecute those that deceive and, and process these claims in the state of Nebraska. You're absolutely correct. As Senator McKeon pointed out, there used to be teeth in the federal bill; that was, that was taken out.

LONOWSKI: OK.

KEN YOUNT: So, are we currently fighting that? Yes, sir. In fact, I just got back from D.C. on Thursday of last week, where our Commander-in-Chief addressed this very issue with Congress, and, and trying to fight-- this was one of our priority bills not only in this state, but at national, for the Veterans of Foreign Wars. So, it'll give our, our Attorney General a, a, a leg to stand on-- a greater leg to stand on, I should say, so that if these companies do practice this

in the state of "Nebraksa"-- Nebraska, then we have an avenue to go after them. There's, there's no sense in this state. We have, you know, county veterans service officers, state veteran service officers; every veteran's organization, whether it's a VFW, American Legion, DAV, we all have veteran service officers that will do this work for free. So, hopefully the-- hopefully, there'll never be a need for one of these organizations to even operate here. But just to make sure, let's put the law in place.

LONOWSKI: OK. Thank you for your testimony, and I want to thank all you all for your service. Appreciate it.

KEN YOUNT: Thank you. And you as well, Senator.

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

KEN YOUNT: Thank you, ma'am.

SANDERS: Any other proponents on LB693? Good afternoon and welcome.

BOYD YOCHUM: Hi. How are you? My name is Boyd Yochum, B-o-y-d Y-o-c-h-u-m. I'm the Nebraska state commander for the American Legion. I represent 24,000 Nebraska Legionnaires from across our great state. We support all of LB693; we especially support anything that has to do with veterans benefits. We had this conversation last year, and we're not sure why we have to have it again, but it looks like a different group on the committee, so we, we trust you guys. Our county veterans service officers are trained, certified, and provide the service of preparation and presentation of claims to the Veterans Administration. This service is provided to the veteran for free. All earned compensation from VA goes to the veteran; that brings millions of dollars into our state every year. County veterans service officers are paid by the county where they work. It does not create expense for the state of Nebraska. We advise our veterans through the American Legion not to do business with predator lawyers, who will receive a percentage of the veteran benefits; these services are free from our VSOs. We hope you understand the importance of passing LB693 not just for veterans, but for all Nebraskans. Just please listen to what everybody has to say about this. Thank you for your time.

SANDERS: Thank you, Commander Yochum, for your testimony. Checking with the committee to see if there are any questions. See none. Thank you.

BOYD YOCHUM: Thank you.

SANDERS: Any other proponents? Welcome.

GREG HOLLOWAY: Good afternoon, Chairman Sanders, and Government, Military and Veterans Affairs Committee. I am Greg Holloway, G-r-e-g H-o-l-l-o-w-a-y. I am the past department commander for the Disabled American Veterans Department of Nebraska, and also the past state council president for the Vietnam Veterans of America. I was-- I'm a former county veteran service officer. I've been a legislative advocate throughout this organization for the la-- for approximately 34 years. I've turned that duties over to a young veteran. I believe in this bill very much. I once was almost taken in by-- on a Social Security claim, but with my mouth and my knowledge, I got out of that real easy, but-- and it can happ-- it happens fairly easy. And [INAUDIBLE] the Disabled American Veterans and the Vietnam Veterans of America, one of their duties is to protect our veterans and their dependents. Now, a lot of Vietnam veterans have never filed for service-connected disabilities ever, and they could possibly expire because of their service-connected disability. So, a spouse is eligible for what's called DIC, and that's a benefit, and they don't know what to do because their husbands or wives didn't tell them what to do. That's not supposed to be running.

SANDERS: I think it's back there.

GREG HOLLOWAY: So. We need to look after the dependents also, and that's one of the things these claim sharks do. They go after the dependents, and they can get a lot of money out of them that they definitely need, so. Vietnam Veterans of America, Disabled American Veterans support this 100%, and I think it's-- we're just asking you, get it out of committee, let the Chamber look at it and talk about it. And every one of you on this committee, I would like you to support it. Any questions? I'll answer any questions. I've been around a long time. One of the old guys.

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

GREG HOLLOWAY: Thank you.

SANDERS: Thank you. Thank you for the-- taking the time. Good afternoon.

MICHAEL SHEETS: Good afternoon. Chairperson Sanders, Vice Chairperson Andersen, members of the Government, Military and Veterans Affairs Committee, thank you for the opportunity to speak today. My name is

Michael Sheets, M-i-c-h-a-e-l S-h-e-e-t-s. I am here to testify on behalf of the members of the Military Order of the Purple Heart and the members of the Great Plains Chapter of Paralyzed Veterans of America as a proponent of LB693, I am the Department Commander of the Military Order of the Purple Heart. I have been a VA-accredited service officer since 2010 with two different organizations. As a VA-accredited service officer, I represent our-- I represent our nation and Nebraska's most catastrophically disabled veterans: veterans that have ALS, MS-- which is Lou Gehrig's disease-- Parkinson's disease, traumatic amputations. Our nation and Nebraska's most vulnerable veterans. The services we provide are at no charge to veterans or family. The services that we provide is more than just filling out a form and sending it to the federal V.A.; we advocate for their health care, for their monetary benefits, for their education benefits, for their burial benefits, for their surviving spouse benefits, and for any dependent benefits such as college education for their children. All of that is for-- doesn't cost them anything. As a long-time advocate for veterans and a leader of veteran community in Nebraska, I know, and all the veterans present at this hearing know, when we raised our hand and swore an oath to protect this country from all enemies both foreign and domestic, we did so knowing that we would be protected by lawmakers, ensuring that we are not preyed upon by for-profit companies. That's what we're talking about: preyed upon. In conclusion, I ask you to protect Nebraska's veterans by supporting LB693 and voting it out of committee as soon as possible. A vote against Nebrask-- a vote against LB693 will hurt veterans. It will. You've heard it. The veterans of Nebraska deserve your protection and unwavering support, just as we have protected you. Thank you for the opportunity to speak here today. I am happy to answer any questions. Senator Hunt, I appreciate your brother's service. Senator Andersen, thank you for your service. Senator Lonowski, thank you for your service. And Senator McKeon, thank you for introducing this, and your service.

SANDERS: Thank you, Mr. Sheets, for your testimony. Check to see with the committee if there are any questions. Senator Andersen.

ANDERSEN: Thank you, Chairwoman. Mr. Sheets, I'll be brief. Do you know of people that have been harmed in the military, that have been taken advantage of in the past?

MICHAEL SHEETS: Yes, Senator. In the state of Nebraska, we worked with a veteran who was service-connected for his wounds he received in combat. When he passed away, his wife was entitled to survivor's benefits; it's called dependency indemnity compensation. We assisted her in preparing the, the federal form. It's a 20-page form; 10 pages

of that are instructions, the other 10 pages are, are the actual application. We put that together at no charge for her, she got the benefits; her condition got worse, it was time for her to get an increase in benefits. One of these companies reached out to her and charged her-- she told us they were going to charge her $9,000 to fill out 10 more pages, for a benefit that she was already entitled to in order to get it. So, yes, this is happening.

ANDERSEN: Thank you.

SANDERS: Any other questions for Mr. Sheets? See none. Thank you for your testimony, thank you for your service, and thanks for what you're doing for the veterans.

MICHAEL SHEETS: Thank you.

SANDERS: Thank you. Proponent for LB593 [SIC]?

MARK LAKAMP: Yes.

SANDERS: Or, LB693. Thank you.

MARK LAKAMP: Chairwoman Sanders, members of committee, thank you for having me. My name is Mark Lakamp, M-a-r-k L-a-k-a-m-p. I'm the county veterans service officer of Lancaster County, and I'm speaking on support of LB693 on behalf of Lancaster County, as well as the Nebraska Veterans Council and the County Veterans Service Officers Association of Nebraska. I've served as a Lancaster County Veterans Service Officer since 2022 when I retired from the United States Navy with 30 years of service. I won't repeat the other point-- other points witnesses-- on why this bill is required, but I agree with all of them. Instead, I'll point out there's absolutely no need 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 to file claims with the VA at absolutely no cost. Every county in the state has accredited veterans service officers whose salaries are paid by the county to assist veterans in filing claims with the VA. The state service office at the Nebraska Department of Veterans Affairs has accredited service officers whose job is to assist veterans in filing these same claims. Additionally, the various veteran service organizations like VFW, DAV, American Legion, PVA in the state all have accredited veterans service offices that can do the same thing. The opponents of this bill will probably tell you that veterans need a choice, or someone to, quote, "fight for them." They'll probably also tell you that the VSOs such as myself aren't as good as they are

helping veterans, that the VA system that's in place is so rigged against veterans that the service [INAUDIBLE] claims consultants are vital to protect veterans. On the first point, there are over 140 accredited VSOs in Nebraska listed on the VA's Office of General Counsel's accreditation website. Additionally, there are multiple accredited attorneys or accredited claims agents who are required to follow the VA's ethics guidelines. The VSOs like myself are trained on how to file all types of claims to the VA. We must complete annual training-- or annual continuing education requirements, and most importantly, are held to the ethical standards required by the accredited-- the accrediting veterans service organizations and the Veterans Administration. None of the non-accredited claims agents that LB693 would prevent from preying on our veterans can say this. As a second point, I don't think there's any-- you'll get any argument from anybody here in this audience that the way the VA handles claims has a lot of room for improvement. We understand the ins and outs of it, though. As accredited VSOs, we have access to the veteran's electronic file at the VA, we can track their claims to completion, stepping in when necessary to keep it on track. Claims consultants do not have this access or the ability to represent veterans at hearings, high-level review conferences, or other VA, VA appeal venues. Last year, the VSOs in the Lancaster County Veterans Service Office helped over 2,900 veterans or family members make over 2,600 submissions to the VA, to include new claims, claims for increase, or appeals for previously denied claims. VA ratings awarded to our veterans' family members last year-- and this is just for Lancaster County-- resulted in over $3.6 million in retroactive award payments and $5.8 million in annual award increases. All this came at absolutely no cost to the veterans and their family members. After the Civil War, the Veterans Administration-- when the Veterans Administration was first established, there were a rash of unscrupulous individuals who started taking advantage of veterans by, quote, "helping them" file claims, often for exorbitant fees. Because of this, the VA began accrediting veterans service organizations to help veterans file claims with the VA at no charge to veterans. Eventually, it became illegal for anyone to charge a fee to help a veteran file a new claim with the VA.

SANDERS: I'll allow you to finish.

MARK LAKAMP: Thank you. It's still illegal for anyone to charge a fee to help a veteran file a, a claim for new or increased benefits, but unfortunately, there is no enforcement mechanism for this as it has been [INAUDIBLE] earlier. Note this is different than filing an appeal with the VA, and that's what accredited attorneys and claims agents can do; they can charge a reasonable fee that is regulated by the VA, and

they are subject to VA ethical standards. Nothing in LB693 will change that. Nothing in LB693 will prevent these claims consultants from becoming accredited claims agents with the VA, if they chose to do so. They won't, though, because on the VA's ethics requirements and only charging reasonable fees in support of an appeal does not work with the business model. The claims consultants that LB693 will prevent from preying on our veterans are not accredited by the VA, are not held to any ethical standard, and do not have to complete regular training. Most importantly, they're not working on behalf of the vet-- of the veteran; they exist to enrich themselves by taking a portion of the money that the veteran's rightfully entitled to. If you have any questions that I can answer about how they operate and on how the VA claims process works, what veterans service officers do, or anything else, please don't hesitate to ask me. Please do what's right to prevent claims consultants from preying on veterans in Nebraska by making LB693 state law. Thank you.

SANDERS: Thank you, Mr. Lakamp, for your testimony. Check to see if there are any questions from the committee. See none. Thank you very much.

MARK LAKAMP: Thank you.

SANDERS: Any other proponents on LB693? Welcome back.

SPIKE JORDAN: Good afternoon, Chairwoman Sanders, Vice Chair Andersen, and Senators of the committee. Again, my name is Spike Jordan, S-p-i-k-e J-o-r-d-a-n. I'm a sixth-generation Nebraska rancher, a Marine veteran of the war in Afghanistan, and today, I have the honor of serving as the county veterans service officer for Dawes and Sioux Counties. I left at 3:00 this morning so I could be here on time, and I'll probably have to head back west as soon as the hearing is over. I wanted to take a moment to thank Senators Andersen, Lonowski, and Senator McKeon for their service, as well as the rest, rest of the men and women behind me. A veterans service officer can be tricky to describe sometimes, but I tend to explain it to people as we're one-fifth an attorney, one-fifth a social worker, and one-fifth a private detective. I can't remember what the other two-fifths are, but they're probably full of whiskey. The bulk of our responsibilities are helping veterans navigate the byzantine bureaucracy of the U.S. Department of Veterans Affairs. Congress has codified a whole system of laws that helps the VA determine what qualifies as a compensable disability. Some of those regulations are common sense, and some border on Kafka-esque levels of absurdity. For example, the VA will grant service connection and compensation for a scar, but only if the scar

meets a specific length and width requirement. The VA will sometimes give a veteran a rating of 0%, which is a literal insult to injury. They acknowledge that you got hurt, but they'll say that the scars don't disable or disfigure you enough to entitle you to a check. Now, expecting a layman off the street to know how to successfully prosecute a basic claim for disability compensation is unrealistic. While some of the branches offer a separation and readjustment class to set up-- veterans up for success in their civilian lives, the only consistency in the federal government is that it is inconsistent. Luckily, my peers and I are trained and accredited to assist the veterans with claims and appeals; we do this at no cost to the veteran. Some of us are overworked and some of us are underpaid, but in the three years that I've had this job, I have never once had any problem calling the service officer in the next county or halfway across the state and asking them for help. The bulk of us are disabled veterans ourselves. We zealously advocate for our clients because we've been there. We've seen the sorts of gymnastics that the government uses to [INAUDIBLE] from its responsibilities. Now, I don't know if there's reps from these for-profit companies to testify against this bill here today, but if they weren't in it to screw the veteran then-- and siphon off benefits that they had no hand in earning, they wouldn't send a lobbyist. They wouldn't be paying six figures for some K Street quack to come and pull you out into the rotunda. Their service would speak for itself. Half of them flinched when it came time to put body and mind on the line in service to the comrade and country; the other half are shameless confi-- confidence men profiteering off the blood shed by their brothers and sisters. The pool of perfidious pontificators will proclaim that the veterans should have the choice to be hoodwinked by the companies that they represent. They want you to believe that the free market solution is dodgy contracts, wherein men and women who sacrifice something for this country should become contractually indentured to those who have sacrificed nothing. They are cynical charlatans charging ransoms for a service my peers and I already do for free. For two years now, I've been driving eight hours one way on my own dime to testify on this; I don't use a county vehicle, I don't charge the county for my time. The VFW offered to help with my mileage and maybe a hotel room, but I stay here with a fellow Afghan vet in town. That way, they can use those funds to help vets that actually need it. I do all these things because I want to emulate the example set by Marine General Smedley Butler under, under the portico of City Hall in filth-- Philadelphia is a plaque that attests to Butler's post-Marine Corps career as Director of Public Works. In a time of great corruption, he proved incorruptible. The lobbyists who will

oppose this bill cannot say the same. Thank you, Senators, and I would be happy to answer any questions.

SANDERS: Thank you, Mr. Jordan, for your testimony. Much appreciated. Any questions? Senator Andersen.

ANDERSEN: Thank you, Chairwoman. And thank you, Mr. Jordan, for your service and your time. I've worked with some VSEs [SIC] in the past. Just out of curiosity, what is the accreditation process?

SPIKE JORDAN: So, there is a training called TRIP training that the VA prescribes. It is one of the most excruciating things that I've ever gone through. It's, it's thousands and thousands of slide of information that you have to remember in pretty deep detail. They will not tell you exactly what is going to be on the test, and it changes every single time. But once you go through that, you need to go through a service organization that offers a basic benefits course for the-- county service officers here, it's through the National Association of County Veterans Service Officers. Once we go through that, we have to apply for accreditation, which means we go through a background check. The federal government ensures that we are not dodgy people; that we are, you know, ethically sound. And once that occurs, we can apply for cross-accreditation through the VFW, DAV, other, others agencies. The one thing about the-- Mr. Lakamp alluded to computer access. We have to get a, a CAC card, and the process of that involves getting fingerprinted and having a whole background check done on you. It's, it's, it's a very extensive process, and we have to maintain at least 12 continuing education credit hours a year. Because the VA changes so often, that's, that's not usually much of a, a problem for us; there's always stuff for us to talk about. But we have twice-annual trainings, and then a-- another training in the fall. VFW puts on a lot of trainings across the state as well. It's a lot of "steel sharpens steel," so.

ANDERSEN: Thank you.

SPIKE JORDAN: You bet.

SANDERS: Any other questions from the committee? See none. Thank you, Mr. Jordan, for your time driving--

SPIKE JORDAN: Thank you.

SANDERS: --down here. Drive home safe.

SPIKE JORDAN: Will do. Thank you.

SANDERS: Thank you. Any other proponents on LB693? Welcome back.

BETH BAZYN FERRELL: Thank you. Good afternoon, Chairwoman Sanders, members of the committee. For the record, my name is Beth, B-e-t-h; Bazyn, B-a-z-y-n; Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials. I'm appearing in support of LB693. NACO supports our veterans and the service that they provided to our country. We support our veteran service officers, and for-- you can see their level of dedication and passion about providing services to our veterans. What they've said today is very powerful, and I think it reflects on the need for this bill. I'm not sure what I can add to what they've said, so I would be happy to answer questions.

SANDERS: Thank you, Miss Ferrell, for your testimony. It is the greatest brotherhood alive, isn't it? Just awesome. Let me check to see if there are any questions from this committee. See none. Thank you for your testimony. Any other proponents on LB693?

MELISSA ALLEN: I apologize that I do not have a paper. I live in the country and my internet decided to go out. So.

SANDERS: Welcome.

MELISSA ALLEN: OK. Let me turn this up so I can read it. So, Chairman Sanders, distinguished members of the committee, thank you for the opportunity to submit testimony. My name is Melissa Allen, M-e-l-i-s-s-a A-l-l-e-n. I am here today to represent the Nebraska Veterans Council, which is the legislative voice in Nebraska for all the veterans service organizations, and also to testify on behalf of myself personally. And so, I agree with all the testimony that you've heard so far-- and those that I've testified in front of before know that I always kind of go off, off-the-cuff testimony. So, what I did is I went through the opponent testimony from LB1067 [SIC], I believe, from last year. Same bill, didn't make it out of committee. So, I took out some of the key points that they had as their opposition. So, before they come up here, I just thought I'd offer my "pre-buttal," we'll call it. So, one of the biggest things that they put out was that veterans should have a choice. I completely agree, but what I believe, it's just the lack of promotion of our services, you know, that there are VSOs out there. How many different veterans service organizations are out there? We're all nonprofit; we do not have the money to throw at giant marketing firms, and to be all over every form of social media there is. We don't have that. But going forward, all the service organizations know that I am the huge proponent for technology. So, it's starting to use that technology, get the word out, get on discord

servers, and have members of the veterans service organizations, you know, be trained to, to post on social media. So, another one that they use is many VSOs that are not accredited are helping veterans like charities. Same thing. They can't file with the VA, but-- they're the same as a claim shark, but they're a charity, they don't charge. I see my yellow light is on. And then, a huge thing that I see on all of these web pages, "veteran owned and staffed." And my response is, "so what?" Being a veteran does not necessarily mean you're honorable and that you always do the right thing, or we wouldn't have Fort Leavenworth. I have a bunch more, but my time is almost out. Is there any questions?

SANDERS: Please continue.

MELISSA ALLEN: OK. So, this-- from a medical standpoint, because I have been a, a VSO for years-- so, the VHA, they require anybody that goes through the medical records, especially during the disability claims process, to be certified coders and auditors. So, you know, these organizations are just hiring anybody that's digging through those records. And before you ask why don't I expect that of my veteran service organizations or law firms, we don't have to. The VA has already given us their stamp of approval. That's why we're accredited. Me, myself, I am a certified medical coder, auditor, and biller; I have been for 15 years. And then, you know, they like to use that excuse also, so one more thing is that-- on their myth and fact sheets that they like to put out is that the-- these veterans service organizations always have other stuff going on. Yes, of course, but that's why there's different committees within these veterans service organizations. You know, my chapter, VFW and DAV, we both have the dedicated veterans service officer team. We always have the legislative team. There's a team for anything. So, using the excuse that, you know, we're not just dedicated to claims, well, that's right, but there's a reason for that. And-- so. Any questions?

SANDERS: Thank you for your testimony, Ms. Allen. Checking with the committee to see if there are any questions. See none. Thank you for taking the time, for your testimony.

MELISSA ALLEN: Thank you.

SANDERS: Any other proponents for LB693? Good afternoon. Welcome.

JEFFREY BAKER: Good afternoon, Madam Chairwoman, 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'm here to testify on behalf of the VFW as a proponent of LB693. In an effort to avoid duplicating the testimony of other proponents, I would like to take a few minutes to address the committee not about what you have heard, but about what you're about to hear. My testimony is intended to provide clarity regarding upcoming misinformation, and offer insight as to why LB693 is a priority bill for the VFW and the Nebraska Veterans Council. Before that, I do-- before I do that, however, I would like to share with you a little bit about my favorite number: zero. This number represents the amount of money that the VFW, American Legion, DAV, PVA, the Marine Corps League, AmVets, and the 75 county veterans service officers charge veterans and their families to assist them. Zero also represents the amount of money we have spent on lobbyists, because it is our responsibility to represent veterans, not profit off of them. Zero used to be the amount of times the Nebraska Veterans Council faced opposition once it had taken a position on a legislative proposal, prior to the emergence of claim sharks who have now hired lobbyists in an effort to deceive you and peddle an alternative that protects them, not Nebraskans. In fact, this issue is the first time a single dollar has ever been spent to convince lawmakers that the veterans service organizations recognized by Nebraska Revised Statue 80-401.1 do not have Nebraska's heroes' best interests in mind when advocating for veterans rights and issues. These exploitation-focused companies, along with the president of their newly created trade association, have flown in from North Carolina, Las Vegas, and Washington, D.C. to try to convince you that they are representing a veteran's right to choose. This statement isn't just untruthful, it's insulting to Nebraskans and to you, who represent them. They have executed contracts totaling more than $85,000 this year, and $15,000 last year to retain the services of lobbyists to protect their corporate profits. That's more than Union Pacific at $42,000, UnitedHealthcare at $60,000, Facebook at $78,000, and Kiewit Corporation at $96,000. They will explain to you that services they provide are legal, even though they have received cease and desist letters from the VA general counsel, and may even deny receiving them, as they did to Congress in 2022. They will try to impress you with their previous titles while working at the VA, but will conveniently forget to mention that they have been suspect of VA inspection general reports. They will offer an alternative or a compromise that will allow them to continue operating outside of federal law, and suggest that the nine states that have passed claim sharks laws are immaterial. They will try to convince you that their fees are reasonable, and provide a lowball total of $5,000, when the actual cost could be upwards of $20,000 to $25,000. They will justify this by offering payment plans to allow veterans to get out of the debt

that they have burdened the veteran with because the contract was written in 12-point font. Nebraska veterans service organizations, those you entrust with serving your local communities, have a simple ask of this committee: to support LB639 and vote it on to General File. The veterans of Nebraska deserve better than what these out-of-state companies are peddling to you. Thank you for the opportunity to speak today, and I'm happy to answer any questions you may have.

SANDERS: Thank you, Mr. Baker, for your testimony. Are there any questions from our committee members? See none. Thank you very much.

JEFFREY BAKER: Madam Chair, would it be OK if I answered Senator Lonowski's question regarding examples?

LONOWSKI: Yes, please do.

JEFFREY BAKER: OK. I have three examples to give you. First one is Phil. Phil is a service member out of the central part of the state. Phil was service-connected for a condition called sleep apnea. He was diagnosed within six min-- six months of service, and because of that, he was awarded 50% because he was using a CPAP. Phil had to pay $1,000 times five-- $5,000-- for a condition that was automatic because he had a CPAP. And then, you have Cynthia. Cynthia is from Omaha. Cynthia was deployed to Iraq and Afghanistan, and she is part of the PACT Act. She has cancer. Because she has cancer, that condition automatically 100% service-connected; almost $3,500 a month, times five. Not only did they charge her or invoice her for that bill, they sent her to collections. That was something that could be done in less than an hour. Provide the medical records, provide a copy of the appointment of the organization, provide a copy of the 526, which is the application. Very simple, one hour. And they thought that was worth $20,000, and it was even worth sending her to collections. And the last one is Robert. Robert is out of western Nebraska, out of Scottsbluff, and Robert had a unique situation. Robert wanted to file a claim for a condition that he felt was service-connected, although he was already 100%. So, this company goes out and files for a condition that he didn't necessarily have related to service; it wasn't secondary to his condition. But what they did is they opened up his VA claim. And in VA world, anything they award you can also be reduced. Well, he wasn't told that, and he went to his exam. He was receiving 70% service connection at the time. He went down to 10%. He didn't get a bill because there was the-- he had a loss of income, a significant drastic loss. And that's just benefits. That doesn't include the examples of when they're filing-- they're charging $1,000 to go and file a claim for a homes-- for pension benefits, which is for low-income veterans or their spouses. They're

charging them $1,000 to do a-- to do an application that takes about 30 minutes. There's a little bit of process to get the nursing home or the assisted living to, to provide that. And they charged him $1,000. That's almost as good as a lobbyist, but-- that's just my opinion. Those are the examples I brought with me today.

LONOWSKI: Mr. Baker, thank you for, for those examples. Do, do-- are you able to help those people get out of that--

JEFFREY BAKER: So--

LONOWSKI: --supposed contract, I guess?

JEFFREY BAKER: We've worked a couple of times to referring them to the Attorney General's Office under the current Deceptive Trade Practices Act. We've referred them to our congressional delegation, which has all supported the GUARD VA Act, which is the federal legislation side. They've all co-sponsored those bills. But unfortunately-- especially the one that was sent to collections-- once it's there, and once it goes on your credit bureau, it's very difficult to come back from that. And so, they're still working with that at this time.

LONOWSKI: Thank you.

JEFFREY BAKER: Thank you.

SANDERS: Are there any other questions? Seeing none. Thank you, Mr. Baker, for your testimony.

JEFFREY BAKER: Madam Chairwoman, thank you.

SANDERS: Any other proponents on LB693? Any opponents on LB693? Good afternoon.

RAY COLAS: Chairwoman, members of the committee, my name is Ray Colas, R-a-y C-o-l-a-s, here today to speak against LB693 as currently written. Now, Veteran Benefits Guide is the company that I'm here representing. We're a private organization which provides veterans with a legal, federally-compliant service outside of the VA to assist veterans to secure the benefits that they have earned. Now, we are strongly in support of Senator McKinnon's [PHONETIC][SIC] bill. However, there are unintended consequences with the way that it's currently written, which would prohibit the services of some of the good actors in this space. Now, I do have a concern with some of the information that you were provided with today that was very consistent, and that we are in violation of federal law. I want to provide some

clarity behind that. Now, I think we are all here wanting to support veterans; we do not want sharks in this space. But it's very dangerous to provide you with my opinion as to what federal law is, and it's very dangerous for them to provide you with their opinion as it applies to federal law. So, I do have a copy of federal law, and I would like to recite it as it's written. The section that they're referring to in federal law is (38 CFR) 14.629 Requirements for accreditation of service organization representatives; agents; and attorneys. No individual may assist claimants in the preparation, presentation, and persecution [SIC] of claims for VA benefits as an agent or attorney, unless he or she has first been accredited by the VA for such purposes. Given the services we provide, we do not act as the veteran's agent, we do not provide them with legal services, we are not their attorneys, and we do not represent them before the VA. So, if we were to provide the vets with such services, then yes, we would be in violation of federal law. It was also made reference to that we are afraid of some of the fee caps that are, that are proposed within federal law. I will cite that as well: payment for fees for representation by agents and attorneys in a proceeding before agencies of original jurisdiction and before the Board of Veteran Appeals. We do not provide those services. We are not operating in violation of federal law. Yes, there may be some companies that are, but we are not. Again, we are here because we want to separate the good from the bad. We do agree that bad actors do exist, however, taking a ham-- sledgehammer to something that deserves a flying needle to, to address-- I think that is the better approach. Another point that was made that there are nine states that prohibit our services; there are not nine states that prohibit our services, but there are nine states that do have protections that are put in place, two of which do prohibit our services. And those two states-- there's a pending suit in those two states. So, as currently written, again, the bill would limit options, and there are vets who are out there who can't navigate the current bureaucratic process. And there are some vets that are committing suicide because they don't have options available, or don't feel that they have options available to them. So, why would we get rid of an option that is available to them for as long as they're well-informed? And I do agree that there are vets that don't know a free service exists, and we do promote that free services do exist, but they still sign on the dotted line because they are-- they know they need help, or for purposes of convenience, prefer to use our services fully knowing what they will have to pay. I'm asking that we oppose the bill as currently written.

SANDERS: Thank you, Mr. Colas, for your testimony. Are there any questions? Senator Andersen.

ANDERSEN: Thank you, Chairwoman, and thank you, Mr. Cola [SIC], for being here. Mr. Baker with the VFW stated some legal firms receive "cease and desist letters." Has your company, or do you know of companies or anybody affiliated with your company that have received cease and desist letters?

RAY COLAS: So, that cease and desist letter that they're making reference to was-- stated that we have been informed that you may be in violation of federal law, and if you are in violation of the law, then you must essentially cease and desist.

ANDERSEN: So, it's an advisory and not a--

RAY COLAS: That's correct.

ANDERSEN: OK. Thank you.

SANDERS: Any other questions for Mr. Colas? Mr.-- Senator Lonowski.

LONOWSKI: Thank you, Chair Sanders. And thank you for-- Mr. Colas, for, for being here. Are there any amendments that you would recommend that might help Senator McKeon's bill, if it gets across the finish line?

RAY COLAS: Absolutely. Because, again, consistently, the proponents of the bill state that we're in violation of, of federal law, then let's replicate the language that's in federal law. Let's replace the language of concern with no individual may assist claimants in the preparation, presentation, of persecution [SIC] of claims for VA benefits as an agent or attorney, unless he or she has first been accredited by VA for such purposes, and we will support that bill.

LONOWSKI: OK. Thank you.

SANDERS: Any other questions? See none. Thank you for your testimony. Any other oppon-- opponents for LB693? Welcome.

JOHN BLOMSTROM: Thank you, Madam Chair. Good afternoon. For the record, my name is John Blomstrom, that is J-o-h-n B-l-o-m-s-t-r-o-m. I am the manager for government relations and public affairs at Veterans Guardian. I am also a Marine Corps veteran. I come before you today also with the unique distinction of being a constituent. Our ranch is in Keya Paha County, up in the 43rd District; we've been ranching cattle there since 1955. We're a black Angus USDA Prime beef ranch, so this is not only a labor of love for me, but this is also quite personal. I come before you today because there have been a number of points stated today that are factually incorrect. We are not in

violation of federal law. We do everything we can to support veterans. And I am not a K street quack; I am a government relations professional who happens to be a Marine Corps veteran working for a company that employs 300 people in Pinehurst, North Carolina, 85% of whom are veterans, spouses of veterans, or spouses of active duty. We are a stone's throw from Fort Bragg, North Carolina, right in the middle of the Sandhills. And our team is, without question, the highest-- highly-- most highly-motivated group of professionals and do an incredible job on behalf of our nation's veterans. Like many service members, when I transitioned out of the Marine Corps, I struggled with the VA claims process. I went through my local VSO, got a result, and was lucky to get any result. And thankfully, my result was one that was favorable. When you go before-- and go to VSO and your claim is denied, unfortunately, the only recourse you have is to go through and go before an appeals attorney, in front of the Board of Veterans Appeals. The end of that process would just take anywhere between two and nine years. The BVA currently has on their docket 355,000 cases before review, and those are taking, again, anywhere between two and nine years to positively adjudicate. At the end of that time, a veteran will then owe those attorneys 33 and a third percent. What we do in our business practice-- and what's most important about opposing this legislation-- is that you're limiting a Nebraskan veteran's options to get their disability claim done in a manner which you see fit, which is protected under your First Amendment rights under the U.S. Constitution. And at the end of the day, we don't tran-- we don't charge upfront fees, we're very transparent. In fact, we are not in opposition to the VSOs; we feel that they're very necessary, they're great partners, and they do-- yeah, an incredible amount of work. We are an extra step in the process to help a veteran put together their claim and present it before the VA on their own, almost tantamount to income tax preparation. And for us, again, that is protected under your constitutional First Amendment right. I'd also like to say that what we are trying to do here is ensure that veterans again have an option in this very archaic, broken system that the VA has. And again, we'd like to partner with the VSOs on this. We're not adversarial to them. We are very transparent about our business practices. We don't have any-- may I continue, Madam Chair?

SANDERS: Yes, please.

JOHN BLOMSTROM: Thank you. We don't have any predatory marketing practices. In fact, that's our lowest overhead. We don't advertise on anything other than Google and Facebook; we don't work with doctors or attorneys. Our group simply helps in putting a veteran's claim together, and leaves it up to them to get it across the finish line. At

the end of the day, LB693 limits a veteran's options in the state of Nebraska to get their VA disability claim done in a system that right now needs more help than it needs hindrance. We are here to fight for veterans, we're here to partner for veterans, we're here to advocate for veterans, and to give them the choice in doing so; LB693 would prevent doing that. And I think, at the end of the day, Senator McKeon's bill, the heart is in the right place in terms of wanting to protect veterans. We're here to do the same thing, and look forward to working with this body to do so. Thank you, Madam Chair.

SANDERS: Thank you very much. Are there any questions from the committee? Senator Andersen.

ANDERSEN: Thank you, Chairwoman. Thank you for being there, Mr. Blomstrom. And I'll, I'll steal Senator Lonowski's thunder here, ask you the same question. Do you have ideas or thoughts that could aid Senator McKeon in amending his bill that'd maybe make it a better, more useful?

JOHN BLOMSTROM: Madam Chair, may I answer?

SANDERS: Yes.

JOHN BLOMSTROM: Senator, thank you. Yes. If, if we were to, to amend the accreditation language out of the bill and put more consumer protections in place, we'd be more than happy to support the legislation in that regard.

ANDERSEN: Thank you.

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

JOHN BLOMSTROM: Thank you, Senator.

SANDERS: Any other opponents for LB693? See none. Any testimony in the neutral for LB693? See none. Let's see, Senator McKeon, if you'd like to come up to close. Position comments for the hearing record: proponents, 5; opponents, 1; and neutral, zero. Welcome back.

McKEON: Thank you. Being a veteran and a big proponent of free market and, and smaller government-- the rule of law is vital to having a successful free market. That is what LB693 provides. The VA already makes provisions for attorneys and non-attorney agents to gain accredited-- "accrediation" to serve veterans. A VA, VA-accredited attorney can claim-- or claim agent can charge fees for their services.

So right now, there's a, a private choice for veterans from the VA-accredited lawyers and agents, just like many other professions that require some licensing and education. The opponents of this bill are not accredited agents, so are breaking laws regardl-- regardless of intentions. There are no education requirements, no accountability, no transparency, and they charge rates in excesses of the legal requirements of the VA for compensation-- other accredited agents of-- and lawyers. If these companies want to become legit, these issues may be addressed. The easiest and fairest path is to just get accredited and follow the rules. If we are to consider a wider legal role for these companies, I would suggest considering, like, a tax preparer model by-- like H.R. Block [SIC]. Most taxpayers have enough knowledge to fill out the basic tax forms, charge reasonable rate-- related prices where they are transparent about who prepared the tax return. They also offer an, an expertise of enrolling agents, CPAs, lawyers to protect you in an audit. While they may claim to help in advanced situations, none of these companies have the level of experience needed to protect veterans, but still often charge high-- higher than, than the legal and ethical standard of both the VA-accredited lawyers and agents, as well as the ethical and legal limits for said attorneys by the American Bar Association. They want to be free from the rule of law necessary for a fair and free market. This must change by restoring the rule of law. I ask that the committee protect veterans, and advance LB693 and AM392 [SIC] to the General File. As suggested, I am open to suggestions that Senator Lonowski and, and Senator Andersen was asking to, to legalize some from the private actors, but the status quo is not acceptable that we have right now. Protecting our veterans must be our top priority; that shouldn't be delayed. Our heroes deserve better than to "kinue"-- con-- be continued to be taken advantage by the scammers.

SANDERS: Thank you very much, Senator McKeon, for introducing LB693. We'll see if there any questions from any of the committee members. See none. Thank you very much.

McKEON: Thank you.

SANDERS: Thank you for the work for veterans. Thank you. This closes now the hearing on LB693. This also closes the hearing from the Government and Military Veterans Affair [SIC] for today. Thank you.