

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Ninth Session  
April 27, 2017**

The Committee on Legislative Operations and Elections was called to order by Chairwoman Olivia Diaz at 1:36 p.m. on Thursday, April 27, 2017, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/79th2017](http://www.leg.state.nv.us/App/NELIS/REL/79th2017).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Olivia Diaz, Chairwoman  
Assemblyman Nelson Araujo, Vice Chair  
Assemblyman Elliot T. Anderson  
Assemblywoman Shannon Bilbray-Axelrod  
Assemblyman Skip Daly  
Assemblyman John Hambrick  
Assemblyman Richard McArthur  
Assemblyman James Ohrenschall  
Assemblyman James Oscarson

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Ira Hansen  
Assemblywoman Daniele Monroe-Moreno (excused)

**GUEST LEGISLATORS PRESENT:**

Senator Tick Segerblom, Senate District No. 3

**STAFF MEMBERS PRESENT:**

Carol Stonefield, Committee Policy Analyst  
Kevin Powers, Committee Counsel  
Julianne King, Committee Secretary  
Melissa Loomis, Committee Assistant



**OTHERS PRESENT:**

Janine Hansen, State President, Nevada Families for Freedom  
Lynn Chapman, State Vice President, Nevada Eagle Forum  
Shawn Meehan, Founder and Chief Executive Officer, Guard the Constitution Project  
John Wagner, representing Independent American Party  
Juanita Cox, Private Citizen, Sparks, Nevada  
Priscilla Maloney, Government Affairs Retiree Chapter, Local 4041,  
American Federation of State, County, and Municipal Employees, AFL-CIO  
Jared Busker, Policy Analyst, Children's Advocacy Alliance  
Shane Piccinini, representing Nevada Center for Civic Engagement  
Elisa Cafferata, Director of Government Relations, Nevada Advocates for  
Planned Parenthood Affiliates, Inc.  
Caroline Mello Roberson, Nevada State Director, NARAL Pro-Choice America  
Stacey Shinn, Policy Director, Progressive Leadership Alliance of Nevada  
Ashley Clift-Jennings, Private Citizen, Reno, Nevada  
Tess Opferman, representing Nevada Women's Lobby  
Wendy Stolyarov, Legislative Director, Libertarian Party of Nevada  
Jim Sullivan, representing Culinary Workers Union, Local 226  
Janet Freixas, Private Citizen, Minden, Nevada  
Jim Sallee, Private Citizen, Las Vegas, Nevada  
Robert Martinez, Member, Wolf PAC Nevada  
Rachel Gumpert, representing American Federation of State, County, and Municipal  
Employees  
Julie Moore, Private Citizen, Carson City, Nevada  
David Prior, Nevada State Director, Convention of States Action  
Jesselyn De Luna, Private Citizen, Las Vegas, Nevada  
Samuel Fieldman, Member, Wolf PAC  
Vance Hawk, Private Citizen, Las Vegas, Nevada  
David Fischer, Private Citizen, Las Vegas, Nevada  
David Eichelberger, Private Citizen, Las Vegas, Nevada  
John Vettel, Private Citizen, Carson City, Nevada  
Frank Schnorbus, Nevada Legislative Liaison, Convention of States Action  
Randi Thompson, State Director, National Federation of Independent Business  
W. Bruce Lee, Private Citizen, Sacramento, California  
David Guldenschuh, Special Counsel, Balanced Budget Amendment Task Force  
Thomas Llewellyn, Co-Founder, Balanced Budget Amendment Task Force

**Chairwoman Diaz:**

[Roll was taken. Rules were explained.] We have one order of business today. I will open the hearing on Senate Joint Resolution 10. This is a proposal to rescind all previous resolutions calling for a convention to propose amendments to the *United States Constitution*.

**Senate Joint Resolution 10: Rescinds all previous resolutions of the Nevada Legislature which requested Congress to convene a convention to propose amendments to the United States Constitution. (BDR R-940)**

**Senator Tick Segerblom, Senate District No. 3:**

Senate Joint Resolution 10 is very simple. It wipes the slate clean. Over the years, Nevada has passed resolutions requesting a constitutional convention. It is not clear what those resolutions mean today, but we want to wipe those all out. Any resolutions from the past will be stricken from the books. If this Legislature, or any future one, wants to request a constitutional convention, they can do it, but they cannot use the previous resolutions. I know there is a lot of concern out there, but I think 34 or 35 states have already ratified something similar. There is concern that if Nevada is counted, the constitutional convention might pop up in the next couple of years, which would be pretty frightening for both the left and the right. We do not know what is going to happen once that is called. That is the bill. It is simple. It passed unanimously in the Senate Committee on Legislative Operations and Elections and the Senate Floor.

**Janine Hansen, State President, Nevada Families for Freedom:**

I have been the National Constitutional Issues Chairman for National Eagle Forum for several decades. We have long opposed any new constitutional convention under Article V. I would like to give the Committee a little background. Former Chief Justice Warren Burger repeatedly stated that there is no way to effectively limit a constitutional convention. The United States Congress might try to limit the convention to one amendment or issue, but there is no way to do it or to assure that the convention would obey.

Most recently, in 2015 in the *New Jersey Law Journal*, Supreme Court of the United States Justice Antonin Scalia said that it would be a "horrible idea." He said, "You'll get everything but the kitchen sink written into the *Constitution*." One of the things we know is how the constitutional convention would take place. In Article V of the *U.S. Constitution*, it says that the U.S. Congress will call it. In the past, Senators Ervin and Hatch have actually proposed rules for a constitutional convention. They suggested that citizens should have proportional representation in all of their proposals, which would leave Nevada with almost no one. The large states would control it.

We have heard that there is a safeguard in Article V, which is that any amendments passed would have to go back to the states. That is what Article V says. The original constitutional convention required a unanimous agreement of 13 states under the *Articles of Confederation*. They changed the process at the constitutional convention, so only nine states are needed to ratify that. In Article V, the very last line says, ". . . no State, without its Consent, shall be deprived of its equal Suffrage in the Senate." In other words, every state has two senators. That is the only thing that is not allowed to be amended in the *U.S. Constitution*. Even under Article V, the process of amending can be changed by a constitutional convention.

That may not be as much of a safeguard as we would think. It is true that there would be 31 resolutions calling for a balanced budget amendment right now. However, Delaware

rescinded in 2016. Maryland and New Mexico rescinded in 2017. That puts us at 28 states. It would be very close. The number needed for a constitutional convention is 34 states. It is very important that Nevada rescinds, because there are still many other states where there is active work for a constitutional convention.

I think it is interesting to note that there are many people from the left and the right. There are also those on the left and the right in favor of a constitutional convention. One of those is the Convention of States. They are not proposing amendments; they have subjects. One of those is to limit the power and jurisdiction of the federal government. What was the purpose of the *U.S. Constitution*? It was to limit the power and jurisdiction of the federal government. It simply opens up the entire *U.S. Constitution* to change.

One of the more conservative supporters is Mark Levin. He has proposed 11 amendments. The Governor of Texas, Greg Abbott, proposed nine amendments. Supreme Court Justice John Paul Stevens, who is on the other side of the political spectrum, proposed six amendments. One of those was to take away our individual First Amendment rights and to limit free speech. Move to Amend, Wolf PAC, and hundreds of other more liberal organizations want to repeal *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010) and limit candidates to government money only for their campaigns. Many agendas seek to change the *U.S. Constitution*. Because of the situation the United States is in right now, we feel it is best to maintain the *U.S. Constitution* as it has worked for all these years. We seek to support S.J.R. 10 in protecting the *U.S. Constitution* as it is now.

**Chairwoman Diaz:**

I see there is a PowerPoint presentation ([Exhibit C](#)). Would you like to present that?

**Senator Segerblom:**

The Committee has copies on the desk. I think it just says what we said. These are the amendments that we are seeking to repeal. These are the ones we know about [slide 4, ([Exhibit C](#))].

**Chairwoman Diaz:**

Are there any questions from the Committee? Seeing none, we will open it up for testimony in support of S.J.R. 10.

**Lynn Chapman, State Vice President, Nevada Eagle Forum:**

We all need fiscal reform and responsibility in our homes, states, and the U.S. government. The federal government spends more than it receives in taxes every year for entitlement programs. We really need to see about getting our government to live within its means, which would be our means. There are times when the nation needs to borrow money. Alexander Hamilton understood that, in times of crisis, governments sometimes must borrow money. He saw that Britain's ability to run deficits allowed for the British defeat of France in the wars of the eighteenth century.

A balanced budget amendment would upset the separation of powers. This is one of the things we are concerned with. The founders understood that taxing and spending were among the most important—but could be destructive—things that governments can do. They ensured that the most democratically accountable branch, which is Congress, controlled the purse strings. In contrast, a balanced budget amendment would empower courts to declare budgets unconstitutional. This gives the least democratic branch the final say over the public.

Every state receives between 19 and 45 percent of its General Fund revenue from the federal government. Nevada received 25.48 percent, or over \$2,798,426,000 of its General Fund budget from the federal government. If there was an Article V constitutional convention for a balanced budget, the question we would be asking our Nevada delegation is, would they be willing to vote to balance the federal budget if they understood that the federal government, under the mandate to balance the federal budget, would be forced to cut off almost \$3 billion of federal money that is now going to Nevada? Every state relies on federal funds. Every state would face a dilemma in losing 19 to 45 percent of its General Fund. It would force massive tax increases and massive cuts to government, or both, to cover the state budget shortfalls. New Mexico responsibly attached a fiscal note to the proposal in their state for Article V. Every state should consider attaching such a fiscal note to any Article V balanced budget amendment or a convention of states calling for fiscal restraints.

**Shawn Meehan, Founder and Chief Executive Officer, Guard the Constitution Project:**

I am the Chairman of the Resolutions Committee for the Nevada Republican Party. Both the Nevada Republican Party and the Republican National Committee have resolutions against an Article V convention. I also founded the Guard the Constitution Project specifically to defend the *U.S. Constitution* against having an Article V convention. No matter who you are or what you believe, the *U.S. Constitution* is the final firewall of liberty that protects individuals from the tyranny of their government. We are cautioned in the *Declaration of Independence*, "Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes . . . ."

What is the real purpose of Article V? This is the crux of the issue that our opponents usually get wrong. James Madison's journal, recorded on June 11, 1787, said that George Mason said, "The plan now to be formed [our *U.S. Constitution*] will certainly be defective, as the Confederation has been found on trial to be. Amendments therefore will be necessary, and it will be better to provide for them, in an easy, regular and constitutional way . . . ." "Defects" is the word we need to concentrate on.

The big national issue right now is the balanced budget amendment. That is the most popular thing. It has to be interpreted if it will practically work. Article I, Section 8 of the *U.S. Constitution* currently enumerates what the federal government can spend money on. That is effectively a balanced budget amendment. We violate that like crazy. Let us look at the fact that currently 49 states—45 states by their state constitutions and 4 states by law—are required to balance their budgets. Most do not. From fiscal years 2005 to 2007, 2 states

reported that their budgets were balanced, each only for 3 years, and 26 states reported budget deficits in each of the three years. The balanced budget amendment does not work.

It is unfortunate that we must defend the *U.S. Constitution* from those seeking to change it via deception and fraud. Yes, fraud is a serious word, but it is not my word. In 1989, your Assembly colleagues invoked that word. I encourage the Committee to look at the Nevada Electronic Legislative Information System (NELIS) document from the Senate hearing on this bill, titled, "Nevada Assembly Fraud Article V Shawn Meehan." That is a copy of a resolution of a record of Congress passed by your colleagues in 1989 that says the move to call an Article V convention was presented to them via fraud, as in not being necessary.

The bottom line is that no matter what side of this issue someone resides on, calling an Article V convention will result in massive litigation. There is serious disagreement regarding "one state, one vote" binding of delegates, limiting of topics, and other matters. Who decides these? Laurence H. Tribe, a professor of Constitutional Law at Harvard Law School, said, "At a minimum . . . the Federal Judiciary, including the Supreme Court, will have to resolve the inevitable disputes over which branch and level of government may be entrusted to decide each of the many questions left open by Article V."

The *U.S. Constitution* is not the problem; not following it is the problem. Therefore, changing it is not the solution.

**John Wagner, representing Independent American Party:**

We do not favor this amendment. There are so many questions that we can ask. Congress has to call it. Who is going to chair it? Congress says "they" are. Who are "they?" Who are the delegates going to be? The delegates will be the same, mysterious "they," I guess. How are we going to appropriate the votes? "They" will solve that. I think they have not even found a place where they want to hold the meeting. The mysterious "they" are going to have problems when they start. "They" are going to need to figure out who is going to be the chair; "they" have to figure out where they are going to hold it; and "they" have to figure out the rules, which do not exist. By the time "they" do all that, we will all be dead and gone, including the youngest Committee members up front. It is a very bad idea. There is no structure to the form at all.

The people that wrote the *U.S. Constitution* were some of the brightest minds our country has ever known. Maybe they made a small mistake when they did not specify a little bit more about the so-called convention of the states. The conditions at that time were particularly explosive, and maybe it was necessary for it to be there because of what was going on between the North and the South. We are definitely against this. No one can tell me who "they" are. I always hear, "Well, they say . . ." Who are "they?" No one knows who "they" are, and no one knows what can happen with a constitutional convention.

**Juanita Cox, Private Citizen, Sparks, Nevada:**

I am a parliamentarian representing myself. As a parliamentarian, I have witnessed a number of contentious conventions. Conventions can basically do whatever they want. I have seen a number of problems. For those reasons, and many of the reasons that have already been stated, we are absolutely for this amendment to remove everything that we possibly can for this convention of the states.

**Priscilla Maloney, Government Affairs Retiree Chapter, Local 4041, American Federation of State, County, and Municipal Employees, AFL-CIO:**

This is a national trend that we are very concerned about. I do not speak for either the international or the active members today, just the retirees. I am confident that we are all on the same page. It is a testament to why this bill from Senator Segerblom is such a good idea. So many people at this table have such divergent points of view on pieces of legislation but, obviously, there is a consensus that this would be a danger to many. I will not get into the complexities of all the constitutional arguments under Article V. We are in support of this bill.

**Jared Busker, Policy Analyst, Children's Advocacy Alliance:**

We are in full support of this legislation.

**Shane Piccinini, representing Nevada Center for Civic Engagement:**

I am a "me too."

**Elisa Cafferata, Director of Government Relations, Nevada Advocates for Planned Parenthood Affiliates, Inc.:**

I have not yet had the chance to testify in agreement with Janine Hansen, so I am a "me too" as well.

**Caroline Mello Roberson, Nevada State Director, NARAL Pro-Choice America:**

We are also here in support.

**Stacey Shinn, Policy Director, Progressive Leadership Alliance of Nevada:**

Me too.

**Ashley Clift-Jennings, Private Citizen, Reno, Nevada:**

I am in support.

**Tess Opferman, representing Nevada Women's Lobby:**

We are a very strong "me too."

**Wendy Stolyarov, Legislative Director, Libertarian Party of Nevada:**

Me too.

**Jim Sullivan, representing Culinary Workers Union, Local 226:**

We are also a "me too."

**Janet Freixas, Private Citizen, Minden, Nevada:**

Me too.

**Chairwoman Diaz:**

I do not see anyone else coming in support of S.J.R. 10 in Carson City, so we will go to Las Vegas.

**Jim Sallee, Private Citizen, Las Vegas, Nevada:**

My concern is that there were a number of requests for an Article V *U.S. Constitution* convention over the years. Who is funding this? Who is behind this? We never hear anything about that. When I have asked Convention of States people who is funding it, they say that just some interested people are funding it. Another thing that worries me quite a bit is that there is a new states' constitution floating around out there. The Ford Foundation spent millions of dollars to prepare it. I feel as if that is a skeleton in the closet that could come forward if this ever happened. If the Convention of States would have spent as much time and money on going the normal route that we have used for the other amendments as they have on this, they might have something worthwhile. This is not going to get it.

**Robert Martinez, Member, Wolf PAC Nevada:**

We want to call for an Article V convention. This resolution basically tells the states that their constitutional right to call for an Article V convention, which is in the *U.S. Constitution* that everyone believes in so much, cannot use that in order to actually call for a convention to have a conversation about certain issues in this country.

**Chairwoman Diaz:**

Are you in support or in opposition of S.J.R. 10?

**Robert Martinez:**

I am in opposition.

**Chairwoman Diaz:**

Right now, we are taking testimony in support. When we switch to taking testimony in opposition, we will have you come up.

**Rachel Gumpert, representing American Federation of State, County, and Municipal Employees:**

We represent 1.6 million workers nationwide, and we represent state workers here in Nevada. We are in support of S.J.R. 10 because we feel that the *U.S. Constitution* is a sacred document. We feel that opening it up is opening Pandora's box, and that we will be going into a situation where absolutely anything can be changed. We feel that the *U.S. Constitution*, as it is, has been serving our country well since it was founded. We do not see a reason to overturn the *U.S. Constitution*. We would urge the legislators to consider the feelings of their constituents. The average American does not want to see their constitution thrown away and shredded. We urge you to please honor that, and think about how your home district would feel about this vote.



**Julie Moore, Private Citizen, Carson City, Nevada:**

I am in favor of this resolution. I also support everything else that has been said.

**Chairwoman Diaz:**

We will go to testimony opposing S.J.R. 10.

**Robert Martinez:**

Article V is in the *U.S. Constitution*. It was put there for this reason alone. If the U.S. Congress is unresponsive to the people about a certain issue, the people have a way of fighting back and forcing their hand. There have been over 700 calls for an Article V convention. Not one of them has ever gone awry. All of the fears that Senator Segerblom and Ms. Hansen talked about are unfounded. You cannot point to one time where that has ever happened. If they wanted to call for an Article V without it being limited, because it has to be limited on a specific subject, then it would have been called a long time ago with over 700 applications. We would have had Conventions of States many times over. All of these fears that they are putting into place just do not exist. It is something they have thought up in their heads and have no factual basis for.

What we want to do is address a certain problem that Congress is not listening to, which is campaign finance reform. If we use Article V, we can force their hand. In fact, that was how the Bill of Rights was passed. The states called for an Article V convention, and Congress ultimately picked up their feet and did the work themselves. The same thing happened with the Seventeenth Amendment, wherein citizens have the ability to elect their senators. A couple of the states called for an Article V convention. Congress ultimately picked up their feet and did the work on their own. Do not take away the states' constitutional right to call a convention just because you do not believe in what they are calling for. I do not believe in all of the calls. I do not believe in every single one of the things on the list that was previously shown [slide 4, ([Exhibit C](#))]. It is not my right to tell the state that they cannot exercise their constitutional right.

I am asking the Committee to deny this resolution. Turn it down. This is unconstitutional. The *U.S. Constitution* was made to be amended. That is why there are amendments. It is not like it is supposed to stay the same from day one. The reason the founding fathers put this in is that it is supposed to be updated every single time. To believe that the *U.S. Constitution* is fine all by itself is not the way our founding fathers put it. They made it, and they understood that it needed to be changed throughout the times.

**David Prior, Nevada State Director, Convention of States Action:**

I live in Las Vegas in Assembly District 13. My testimony today is in opposition to this resolution ([Exhibit D](#)). I was born in 1942. As a youngster, I was taught to respect the *U.S. Constitution*, World War II veterans, and people in government service. As the 1950s, 1960s, and 1970s passed, I graduated from college, served in the U.S. Army Reserve, married, raised three children, and graduated from graduate school.

In those times, four decades ago, the trust I had for the federal government remained. For me, the Article V amendment process seemed a long way off and hardly necessary. As time passed in the 1990s and 2000s, it became clear that the federal government was intruding into my life beyond what I considered right and proper. Thinking about the *U.S. Constitution* and the founders, I know they arrived on the shores of the New World with Geneva Bibles and had very clear ideas about what liberty meant. Our founders had their fill of kings, queens, popes, potentates, beys, emperors, warlords, and feudal barons. At the time of our founding, our country was composed of only 13 states, but it was clear that there was a necessary role for a federal government. World history reveals the struggle for power is a characteristic of human societies. George Mason knew that and saw to it that a proper method for curbing the power of a federal government be embedded in the *U.S. Constitution*. We know that method as Article V.

As I continued to work and support my family into the 1990s and 2000s, I watched with great foreboding the rapid increase of power given to and taken by the federal government as it continued to abuse its constitutional authorities, punish the American family, jeopardize our children's futures, and put the United States in a vulnerable position on the world stage. Now, the pocket-sized *U.S. Constitution* has been replaced by a 3,000-page version used by the U.S. Supreme Court.

All federal agencies issue rules and administrative law with great abandon, which robs citizens of the fruits of their labors. Congress ignores the wandering U.S. Supreme Court and crushing agency laws while it is locked in useless internal combat funded by special interests with large war chests. In my view, America is now at a crossroads. Either we return to our constitutional roots or join a majority of nations mired in turmoil and mediocrity. It is clear to me that Washington, D.C., is out of control and will not act to correct its abuse of power.

Much is made of the fear of the Article V amendment convention, but I do not share that fear. I accept the fact that too many of our liberties have been taken from us already, and an Article V amendment convention is the method given to us by our founders to recover our freedoms. I take courage from Franklin Delano Roosevelt's famous quote from his first inaugural address: "The only thing we have to fear is fear itself."

**Jesselyn De Luna, Private Citizen, Las Vegas, Nevada:**

I am here today to oppose S.J.R. 10. As noted in the text, most of the resolutions it seeks to rescind were adopted over three decades ago. It is curious that S.J.R. 10 would be introduced one month after the introduction of Senate Joint Resolution 4, which proposes an amendment to curb the reach of *Citizens United*. A 2016 Rasmussen poll shows that 76 percent of voters believe the wealthiest individuals and companies have too much influence over elections. There is a growing bipartisan sentiment among Americans that money has too much influence on politics, and campaign finance changes are needed.

Senate Joint Resolution 10 relies on an overblown theory of the runaway convention to circumvent the will of the people. No one is proposing to overthrow the *U.S. Constitution*. We are proposing an amendment. As the resolution points out, the *U.S. Constitution* is the

cornerstone of American liberty. Article V is part of the *U.S. Constitution*, and it provides a process by which we can amend the *U.S. Constitution*. Clearly, the framers considered such a process to be necessary to protect our liberty.

It is also noted in the text of S.J.R. 10 that the *U.S. Constitution* has only been amended 27 times. What is not pointed out is that 15 of the 27 amendments to the *U.S. Constitution* began as calls for constitutional conventions. Even though a convention is called, three-fourths of the states still have to ratify any type of amendment. This process protects against sweeping changes that would affect the liberty that is noted in S.J.R. 10. The concern regarding the will of the people of Nevada is also misguided. It is not taking into account that three-fourths of the states will still have to approve the amendment. Even if it is true that the will of the people has changed over the past 30 years or so, we hardly have to worry about amendments that are 30 years old.

Senate Joint Resolution 10 is a thinly veiled attempt to circumvent the will of the people. It does this by proposing to limit our constitutional rights. Legislators do their constituents a disservice if they vote yes for it. They are sending the message that big money is more important than the will of the people. Please vote no on this resolution.

**Samuel Fieldman, Member, Wolf PAC:**

We are in opposition to this resolution as it is written, although Wolf PAC has no opinion on whether this resolution should be passed overall. I have submitted two potential amendments to the resolution. One corrects the many misconceptions that riddle it ([Exhibit E](#)). That one is really meant to demonstrate the policy reasons why S.J.R. 10 is incorrect. The other one is a more serious suggestion that preserves the motivation that Senator Segerblom has for introducing this resolution ([Exhibit F](#)). If it were adopted, Wolf PAC would have no opposition. We would neither support nor oppose this resolution. Resolutions to rescind should be passed if you disagree with the policies of the past resolutions or if you wish to clean up the books on decades-old resolutions.

The Committee has heard a lot of testimony stating many misconceptions, including many people who were quoted out of context, such as Laurence Tribe, Antonin Scalia, and James Madison. There are many quotes that are out of context and completely wrong. I would be happy to go into those in more detail. I can submit written documents about that. The problem is where these misconceptions come from, because these people are not intentionally lying to you.

These misconceptions came into the popular consciousness after the backlash of the 1960s anti-apportionment movement. During that effort, there were 32 states pushing for an Article V constitutional convention to overturn the U.S. Supreme Court decision that had changed the way state legislators work. There are several reasons why that effort failed. The primary reason that effort failed is that the convention process is a slow process. It cannot turn on the whim of the American people.

By the time we got close to 34 states, many of the state legislatures had changed in accordance with the requirements of the U.S. Supreme Court and opposed that amendment. Many of them repealed those convention calls on policy grounds, not because of the fearmongering. At the same time, many people were very frightened of this policy change, and the states found it expedient to advertise what had been in the public consciousness for a long time that was spread by conspiracy theory organizations. That is when we had otherwise credible people starting to adopt these false statements, which are now being repeated by people who would otherwise be credible and the people the Committee is hearing from today. The vast majority does not know that they come from the same source that was mocked by Stanley Kubrick's *Dr. Strangelove or: How I Learned to Stop Worrying and Love the Bomb*.

**Chairwoman Diaz:**

Your three minutes have concluded. Do you have any final comment?

**Samuel Fieldman:**

Nevada has had a long, proud history of using Article V. Two of the nine topics on this proposed convention have ultimately become constitutional amendments: the repeal of prohibition and the direct election of senators. I would like to see Nevada continue with that with a repeal of *Citizens United*.

**Vance Hawk, Private Citizen, Las Vegas, Nevada:**

I oppose this resolution.

**David Fischer, Private Citizen, Las Vegas, Nevada:**

I live in Assembly District No. 3, and I also oppose this resolution.

**David Eichelberger, Private Citizen, Las Vegas, Nevada:**

I am in opposition to this amendment. I want to echo what Ms. De Luna and Mr. Prior said. One of the important parts of Article V is that President Trump is in office, and there have been many issues regarding constitutionality. Under President Obama, there were the same issues. I think it points to the fact that it is not a problem of constitutionality; it is the fact that there is too much power in the federal government. One of the ways we have to remedy that is Article V on both sides of the aisle.

**John Vettel, Private Citizen, Carson City, Nevada:**

I am a retired United States Air Force Officer. I spent a lot of time during the Cuban Missile Crisis flying a nuclear bomber to the Russian border and back. I flew 103 combat missions in Vietnam. I swore to protect and defend the *U.S. Constitution*, and that is what I intend to do. I know of no one who wants to have a constitutional convention. No one wants to write a new constitution. What we are discussing today is a legitimate way under the existing *U.S. Constitution* for citizens, using their state legislature, to propose alternatives that may not be suitable for being proposed by Congress, or Congress may not wish to propose.

For example, they may not wish to limit their terms. They may not wish to control their spending, and perhaps, the citizens and the state legislatures would like to force them to do so. That is what Article V is there for. It is not a constitutional convention. It is a convention simply to propose amendments consistent with the application. Only those amendments that are consistent with the application may be proposed. For example, a balanced budget amendment convention can propose only budget amendments. The same goes for term limits. That is all they can do. Any amendment that comes out of that convention must be ratified by 38 states.

I have heard people talk about the convention being a problem. Things can happen in the convention that are not intended, and that we could ruin the *U.S. Constitution*. This is plain poppycock. The scope and authority of the convention is totally limited by the application. Any proposal around that would be out of order. The convention commissioners are the agents of the state legislatures that appointed them. They are controlled by their instructions and can be recalled at any time.

If a state legislature failed to stop rogue commissioners, and the majority of the state delegations voted to propose a rogue amendment, and Congress nevertheless sent that amendment off for ratification, court action could declare it void. Even if all those protections failed, it borders on insanity to think that 38 states would ratify a rogue amendment. I respectfully urge you to stay with the people of Nevada who said that they want the opportunity to propose amendments to the *U.S. Constitution* and to use Article V the way it was meant to be used. I respectfully hope you will vote against this resolution.

**Frank Schnorbus, Nevada Legislative Liaison, Convention of States Action:**

Please vote no on S.J.R. 10. In my testimony to the Senate on S.J.R. 10, I focused on how previous Nevada legislatures have requested an Article V convention to propose amendments to the *U.S. Constitution*. I request that you consider that testimony ([Exhibit G](#)), which is available on NELIS, and included on pages 1 to 3 of the attachments.

It is understandable how a legislature might want to rescind particular Article V resolutions enacted by previous legislatures. In fact, Bill Draft Request R-940 associated with S.J.R. 10 suggests that it repeal the 1979 resolution which requested Congress to call a constitutional convention for certain purposes. There were three resolutions sent in 1979: the right to life amendment and two balanced budget requests, Senate Joint Resolution 8 of the 60th Session and Senate Joint Resolution 22 of the 60th Session. The Nevada Assembly rescinded Senate Joint Resolution 8 of the 60th Session in 1989. Instead, S.J.R. 10 appears to be a refutation of the entire constitutionally-provided Article V process that gives state legislatures the right to propose constitutional amendments via a convention. Instead of arguments against the subjects of the previous resolutions, all I am hearing is hysteria and fear that an Article V convention will get out of control and, therefore, each state must rescind any past resolutions and never send any in the future.

It is an illogical leap that a convention would not just propose amendments, but that it would also somehow do the ratification at the same time, as well as make it stick with the American public.

Opponents of the Article V process apparently prefer the U.S. Supreme Court to amend the *U.S. Constitution*, which fabricates legal concepts without interference from the states. This judicial activism has resulted in many unpopular and unconstitutional decisions. Congress, hamstrung by special interests, has proposed hundreds of constitutional amendments for political grandstanding while knowing full well that political gridlock results in nothing. Any meaningful amendment proposals will need to come from the people through their state legislatures. Previous Nevada legislatures knew this and used Article V.

Fortunately, modern scholarship has addressed all of the arguments of Article V opponents. Both processes described in Article V were intended to be used. George Mason, a founding father who is largely responsible for giving states the same right as Congress to propose constitutional amendments, was an antifederalist who eventually decided not to sign the *U.S. Constitution* because it did not end slavery, and it did not have a Bill of Rights. Mason correctly predicted that Congress would become abusive and refuse to amend the *U.S. Constitution*, especially in areas that limit its power. The original intent was for state legislatures to have equal power and opportunity to propose amendments.

An example of the misinformation being disseminated by groups such as the John Birch Society and Eagle Forum is former U.S. Supreme Court Justice Antonin Scalia's position. The bottom line is that he did not change his position. Given that, I believe in the wisdom of our nation's Founding Fathers that created the dual-method for proposing amendments. I ask you to vote no on S.J.R. 10.

**Randi Thompson, State Director, National Federation of Independent Business:**

I am here in opposition to S.J.R. 10. I have provided testimony for the record ([Exhibit H](#)), so I will be brief. Fighting for a balanced budget amendment is a priority for the National Federation of Independent Business nationwide. In 1979, this Legislature passed S.J.R. 8 of the 60th Session calling on Congress to balance the budget. At the time, both houses were under Democratic control, and the federal debt was a mere \$827 billion. Nevadans were worried back then, as was the Legislature, and thus, they passed a balanced budget resolution. Today, our nation's debt is approaching \$20 trillion, pushing our debt at 107 percent of debt to gross domestic product (GDP) ratio. The problem has been growing increasingly, and Nevadans are worried.

In polling that the Balanced Budget Amendment Task Force did this past week in Nevada, close to 80 percent of those who responded to our calls said they support a balanced budget amendment. If you look at the opinion page of the legislative website, you will see S.J.R. 10 has over 518 votes. Of those 518 votes, 379 are in opposition to S.J.R. 10. Voters understand that Congress is writing checks that taxpayers cannot pay. The Committee has heard supporters of the resolution express concern about a mythical runaway convention. I am more worried about the reality of a runaway Congress. With the existing

1979 resolution calling for Congress to balance the budget, Nevada has a seat at the table for an important national debate. Why take Nevada's seat away? Why silence Nevada?

I have to remind the Committee that there is an amendment to *The Constitution of the State of Nevada* calling for a convention of states in support of term limits. While some question whether that is a viable option, the bottom line is that the voters of Nevada have spoken. They have called for a convention of states via a *Nevada Constitution* amendment. Legislators balance their budget every session. They do their job to be fiscally responsible. For that, I thank you. Members of Congress are not doing their job because they do not have to. Our Founding Fathers knew this could happen. They knew that a central government with the ability to borrow and print money would enact policies that they could no longer afford. That is why the *U.S. Constitution* gives the states and the legislature the clout to hold Congress in check. Please do not give up that clout. We are counting on you to hold Congress accountable.

**W. Bruce Lee, Private Citizen, Sacramento, California:**

Thank you for your time and patience today as we talk about this critical, nonpartisan issue of the federal balanced budget amendment. I have served over a decade in the California Governor's Finance Office where I developed and oversaw key parts of the budget. I also teach public policy and financial policy at the university level. Based on those experiences and others, I realized how difficult it is to achieve a balanced budget. Yet, as it has been pointed out, California, Nevada, and many other states achieve this goal of fiscal integrity annually. Therefore, I am here today as a citizen lobbyist. I am on my own dime and on my own time, because I know how urgent it is to advance the balanced budget amendment. It is the only path that I am aware of to put fiscal solvency back in this great country.

We all know our country is in massive debt due to the total irresponsibility of our Congress over the past several decades. The United States' \$20 trillion debt is 104 percent of the GDP to debt ratio. Greece was at 104 percent when it collapsed back in 2010. Because of this collapse, it had to suffer extreme austerity measures. It cut into pension funds, their safety net, et cetera. This is the type of thing we do not want to do. An ounce of prevention is worth a pound of cure. Twenty trillion dollars is the equivalent of a man earning \$33,000 a year and having a credit card debt of \$200,000. It is also equal to every Nevada taxpayer owing \$167,000 as their fair share.

Mike Mullen, the recent Chairman of the Joint Chiefs of Staff, points out that our national debt is the single greatest threat to our national security. In 1970, 1980, and 1990, the elderly would buy treasury bills with their savings, and that is how we financed the debt. In the 1990s, we began to loot our national trust funds, such as social security, to finance our debt. Then, we began to borrow from former lenders, China being the largest. Now, over half our debt is foreign debt.



**Chairwoman Diaz:**

I want you to tie your remarks into why you are in opposition to S.J.R. 10. Right now, it seems like your testimony is going down the road of not being fiscally prudent, but I do not think that is the intent. I need you to make sure it is clear for the Committee.

**W. Bruce Lee:**

Nevada has already joined 28 other states to call for a balanced budget amendment, and S.J.R. 10 would be rescinding all Nevada calls. I would strongly urge that the balanced budget amendment be amended from S.J.R. 10. I have heard two concerns about the balanced budget amendment in general. One is that a convention might run away to rewrite the entire *U.S. Constitution*. We have a noted constitutional attorney, David Guldenschuh, with us today to address that concern and what a balanced budget would do.

The second concern is that a balanced budget would cut our ability to fund and keep programs like education. Thomas Llewellyn, who is a balanced budget expert, will address that.

**David Guldenschuh, Special Counsel, Balanced Budget Amendment Task Force:**

[Mr. Guldenschuh paraphrased his written testimony ([Exhibit I](#)).] I believe all of you to be very deliberative people. You would not make a decision without having full knowledge, and you would not make a decision in fear or in haste. Your resolution starts off by saying that the Constitutional Convention of 1787 was convened to make revisions and instead discarded it and ran away. That is a fallacy. I brought an article that just came out of the *Harvard Journal of Law & Public Policy* ([Exhibit J](#)). Harvard is certainly known as being a bastion of liberal and progressive thought. If it peer-reviewed this article and published it, you may be assured that it is accurate. This article leaves absolutely no doubt that the 1787 Convention did not run away. It was not called the "Articles of Confederation Congress." I would submit to you that what you have in front of you now is absolutely 100 percent inaccurate. I would urge you not to move forward to pass something inaccurate. I have written about every argument that has been made today in a legislator's handbook ([Exhibit K](#)). It addresses every single issue that has been raised about the runaway convention. It provides peer-reviewed legal and legislative citations.

There is no hurry on what you need to do here. In fact, in September, there will be a convention of states in Arizona. It will not be Article V. You will be asked to send delegates to it. Its purpose will be to set rules for a future Article V convention. I challenge you to observe that process. Watch how it works, and you will be assured that all the horrible things you are hearing about today will not come to fruition. I would ask you to refrain from this. There is the concern that possibly we will get to 34 states. I write the report that is recognized throughout the country for the status of what is going on with Article V legislation ([Exhibit L](#)). There is no chance that any group will get to 34 in 2017 or in 2018. You have the time. I ask you to get full knowledge. Do not act in fear. Do not act in haste. Either do not move forward with S.J.R. 10, or carve out the balanced budget amendment from it. It is the only one of those which remains active.



**Thomas Llewellyn, Co-Founder, Balanced Budget Amendment Task Force:**

The main question here today is the process of an Article V convention. There is a ton of information available on the validity and purpose of the states' use of Article V. This is a 900-page volume by Timothy J. Dake titled *Far from Unworkable: The Fears, Facts, FAQs and Court Findings Relating to the Constitution's Provision for an Article V Amendatory Convention* that has gathered all the information on Article V. It has over 100 court cases and over 100 pages of index and annotations.

I do not mean to scare you, unlike the people speaking in favor of S.J.R. 10 today. They would have you cower under the covers, afraid to look under the bed or in the Article V closet to really see what is there. This recently published volume is the first all-encompassing reference book that looks at every aspect of the states' use of Article V to propose amendments by drawing on the resources, which include 150 academic books, 500 law review journals, applicable case studies, 100 scholarly historic publications, and more than 1,000 government documents. The arguments both for and against an Article V amendatory convention are thoroughly examined. This is the result of a 4-year exhaustive study by a Wisconsin grassroots group of constitutional activists that were admittedly adamantly against and vehemently opposed to the states' use of Article V, because they believed the hype that the Committee heard earlier. They believed that the convention would run away. It could not be limited, and it could create a nightmare of threats to the country and our most cherished freedoms. After compiling nearly 900 pages on the real facts and looking for any justification for their earlier fears, they now enthusiastically support this process.

The real question before the Committee is whether the fear of a runaway amendatory convention is even possible? The Balanced Budget Amendment Task Force, which I am a member of, is made up of volunteer constituent activists from across the country. They have successfully confronted this issue in 28 states. It is always the same question. I submitted an exhibit explaining the top ten reasons why a runaway convention is impossible ([Exhibit M](#)). We heard several of those reasons here today, and there are multiple safeguards. It does an excellent job of summarizing this argument.

What should disturb the Committee is the notion that state legislators would not be able to control their own delegates at such an event. To me, it is an insult to state legislators to say that they cannot control their own delegates to an amendatory convention. Do not get stuck in the fears and lies of a state use of Article V. If there ever was a time to exercise this right, this is the time. We look for your support in exempting the balanced budget amendment in S.J.R. 10.

**Assemblyman Elliot T. Anderson:**

We had some of these discussions offline in my office yesterday. One of the things that I think about when we talk about opening up the *U.S. Constitution* is money in politics. Would you say that money in politics is worse or more pervasive today than in 1787 when the original framers of the *U.S. Constitution* had their say?

**David Guldenschuh:**

The answer is absolutely yes; money has run rampant and has taken over politics. When we talk to our Congressmen, they tell us that once they get up there and become residents of Washington, D.C., they go back to visit their districts partially to raise money to be reelected and partially because of the power issues going on.

I am a grassroots activist for Wolf PAC in Georgia. There are three amendments that this country desperately needs: a balanced budget amendment, a congressional term limits amendment, and a campaign finance reform amendment. The only way we will get that is through the Article V process.

**Assemblyman Elliot T. Anderson:**

Since money in politics is around, and many of those delegates will probably be congressmen, state senators, assembly people, and state representatives, do you think money in politics has the potential to influence the delegates who go to the Article V convention?

**David Guldenschuh:**

It is highly unlikely that any congressman would be a delegate to one of these conventions. The state legislatures themselves appoint those delegates. I have been to 27 states and have talked with leadership in those states and a number of others. It is most likely that the people appointed to any type of Article V convention will be state legislators themselves who are very familiar with the Article V process. While it is certainly conceivable that a state could appoint a congressman, there is case law that says a sitting federal official cannot serve in another federal function, which is what this would be. There might be some dispute over whether they can do that. Certainly, we would only be talking about one or two situations.

At the state level, there is not the financing and funding issue there is in Washington, D.C. You know how much it costs to run a campaign. In Washington, D.C., it costs at least \$3 million to run a campaign. I suspect that is significantly more than what it might cost here. That is where the money comes into play. I understand your concern. It is a valid concern, but it is my experience from talking with the leadership in 27 other states that it is not a concern of theirs.

**Assemblyman Elliot T. Anderson:**

I think that there is not a person who thinks money in politics would not be brought to bear in this process. That is what really concerns me the most, not to mention that I am concerned with all the uncertainty. A lot of this is just academic, historical, and theoretical because we have had but one constitutional convention. Beyond all that, I think about opening up the *U.S. Constitution* to the pressures that we have in modern politics, and it scares the crap out of me. I am sorry to make it that explicit, but I guess that is where I am coming from.

**David Guldenschuh:**

I started out where you are about ten years ago. I am now convinced this is the only way to save our country. There are many reasons why and many things in place that will preclude a convention from running away. For example, if you are nominated to go to this

convention, are you going to be influenced by politics? Are you going to be influenced by money? I do not know. I personally trust you, and I think you trust your colleagues. That is what we are talking about. They are asking the same questions all over the country.

This September, we have a chance to find out with the convention in Arizona. I would urge you not to act hastily or without all of the information, but rather to wait and see how that convention goes. Perhaps you can be a delegate there. I hope to be one from Georgia. We can then really see what the influences that will come to play on this process are.

The final thing I will say is, since the 1787 Convention, there have been 37 other conventions of states and/or colonies in our country's history. Our founders knew what it was. They knew what the process was. We have an abundance of precedents upon which to rely wherein we have not seen the horrible things happen that some of the anti-Article V folks preach.

**Assemblyman Elliot T. Anderson:**

Nonetheless, the history side of me appreciates the dialogue. Thanks for all the information.

**Samuel Fieldman:**

May I answer the same question on behalf of Wolf PAC?

**Chairwoman Diaz:**

No, the question was for the gentleman that just concluded. Are there any further questions from the Committee? I am not seeing any. Is there any further testimony in opposition to S.J.R. 10?

**Thomas Llewellyn:**

I would like to make a quick clarifying statement. One of the situations that comes up often is referring to this as a constitutional convention. It is very clear in law that this is an amendatory convention. A constitutional convention is plenary, which is unlimited. An amendatory convention is strictly based on subject matter and lies on top of the *U.S. Constitution*. Justice Scalia and everyone else were against a constitutional convention. We are against a constitutional convention, but we are for the states having the same ability as the Congress to pursue amendments.

**Assemblyman Ohrenschall:**

It seems optimistic to hope that states can trust whoever would attend the convention. We have to look at the Electoral College. Every year, it seems like states send electors to meet at the Electoral College, and there are unfaithful electors who decide they are going to go rogue and vote how they want, not how the voters in their state instructed them. Nevada and a few other states have passed a uniform unfaithful electors act to try to deal with the situation of having an unfaithful elector, but that is a minority of states. In the last Electoral College, there were unfaithful electors who did not comport with the will of the voters in their states.

I have a couple questions for legal counsel. Looking at the list of different calls, prior legislatures felt those were actions that needed to be taken. We are not bound by their decisions. We can seek to change them. That is my understanding, and I would ask legal counsel if I am correct. In S.J.R. 10, is there anything that would prevent a future legislature from going the Article V route? As I understand it, we are simply rescinding prior things, most of which are not relevant anymore because of U.S. Supreme Court cases, changes to the *U.S. Constitution*, or the Eighteenth Amendment. Can our legal counsel elaborate on that?

**Kevin Powers, Committee Counsel:**

The Legislative Counsel Bureau (LCB) Legal Division is a nonpartisan legal agency. We do not support or oppose any particular viewpoint, policy, or piece of legislation. However, we do provide the Legislature with objective legal advice and analysis on issues of law.

I will turn to your first question. As it stands now, there is no case law or other precedent that prohibits a state legislature from rescinding a prior call for a constitutional convention under Article V. In the absence of any precedent that would bar a state legislature from rescinding its prior call, this body can rescind the prior calls that this body has made in the past, including all of the proposed calls for a convention that are listed in the chart from Senator Segerblom [slide 4, ([Exhibit C](#))].

With regard to your second question, S.J.R. 10 does one simple thing. It rescinds and repeals those prior resolutions that made a call for a constitutional convention under Article V to propose amendments in those cases with those particular subject matters. All S.J.R. 10 would do is rescind those. It does not bind or bar this Legislature in another piece of legislation or a future legislature from enacting another resolution that asks Congress to call an Article V convention. It does not bind future legislatures.

**Assemblyman Ohrenschall:**

Since it does not bind future legislatures, if a future legislature wanted to call for one of those amendments listed, would they be allowed to call for the identical reason?

**Kevin Powers:**

That is correct. For example, if this resolution were to pass, and all the prior resolutions were rescinded, and then in the next session the Legislature were to make a call for a balanced budget amendment at the federal level again, that next legislature could, in the exact language, make the call for an Article V convention to propose a balanced budget amendment. The future legislature could do that.

**Assemblyman Ohrenschall:**

One of the speakers made a reference to the vote in the 1990s in terms of congressional term limits. I think the Committee has been given a copy of an Attorney General's opinion ([Exhibit N](#)) discussing that. Could you go over that? The Attorney General's opinion I read seemed like that was not constitutional, even though it passed.

**Kevin Powers:**

In 1998, the voters approved an initiative petition called the Congressional Term Limits Act of 1996. That amendment to the *Nevada Constitution* directs the members of the Legislature to use their powers to pass an Article V application to Congress to propose a congressional term limit amendment. However, the text of Article V of the *U.S. Constitution* assigns the power to apply for a constitutional convention under Article V to each state's legislature.

In case law interpreting other provisions in Article V, the U.S. Supreme Court has found that the term "legislature" means the elected representative body in each state designated as the legislature. Therefore, the people, through popular vote, cannot direct a state legislature to call an Article V convention. Only the legislature, exercising its federal function under Article V, can make the call to Congress for a constitutional convention under Article V. Therefore, it is the opinion of this office that the Congressional Term Limits Act of 1996 is unconstitutional under the *U.S. Constitution*. Several other states had provisions like this added to their state constitutions, and they have come to the similar conclusion that those types of provisions violate the *U.S. Constitution*, since you cannot make a state legislature act in a particular way under Article V of the *U.S. Constitution*.

**Assemblyman Ohrenschall:**

The opinion of our legislative counsel is also in concurrence with the opinion that former Secretary of State, Dean Heller, asked former Attorney General, Frankie Sue Del Papa. Is it correct that it is the Attorney General's opinion as well?

**Kevin Powers:**

That is correct. We are in agreement with the Attorney General opinion from 2000.

**Chairwoman Diaz:**

Are there any further questions from the Committee? I have one question that I would like Mr. Powers to weigh in on regarding the constitutional convention and its workings. Is there any certainty that if one were to be called, it would stick to a single subject?

**Kevin Powers:**

There is a lot of scholarly debate on this particular issue. There is debate on who would establish the rules for the constitutional convention, what those rules would be, what the parameters of the subject matters would be, and whether the convention could go beyond the limitations imposed by the states in the call for the constitutional convention under Article V. Because this country has never had a sufficient number of states ask for a constitutional convention under Article V, it is simply unclear exactly what the process would look like, how it would evolve, and how it would proceed. Granted, there is historical precedent that people can turn to. There is discussion in some legal commentary that would be helpful in this regard, but because this nation has never actually had an Article V constitutional convention for proposing amendments, it is unclear how the procedure would play out.

**Chairwoman Diaz:**

We will invite the sponsor of S.J.R. 10 back up to give us some concluding remarks.

**Senator Segerblom:**

I did not anticipate a law school debate, but it was pretty educational. My point is very simple. We look back at 1979 when we called for a balanced budget amendment. This is not 1979. Two years before, the Nevada Legislature turned down the Equal Rights Amendment, for example. One of the other amendments talks about eliminating forced integration. That is the Mississippi of the South that I grew up in. That is not the Nevada of 2017. The thought that we would let the Legislature from 40 years ago tell us what to do is really insane. We are wiping the slate clean. If you, in your infinite wisdom, want to come back and ask for anything, that is fine. Let us not bind ourselves to something that people who we have no correlation to tell us what to do.

[Chairwoman Diaz designated ([Exhibit O](#)), ([Exhibit P](#)), ([Exhibit Q](#)), ([Exhibit R](#)), ([Exhibit S](#)), ([Exhibit T](#)), ([Exhibit U](#)), ([Exhibit V](#)), ([Exhibit W](#)), ([Exhibit X](#)), ([Exhibit Y](#)), ([Exhibit Z](#)), ([Exhibit AA](#)), ([Exhibit BB](#)), and ([Exhibit CC](#)) as presented but not discussed. They will become part of the record.]

**Chairwoman Diaz:**

I will now close the hearing on S.J.R. 10. Is there any public comment that is not related to S.J.R. 10? Seeing none, this meeting is adjourned [at 2:56 p.m.].

RESPECTFULLY SUBMITTED:

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Julianne King  
Committee Secretary

APPROVED BY:

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Assemblywoman Olivia Diaz, Chairwoman

DATE: \_\_\_\_\_

## EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a copy of a PowerPoint presentation titled "Senate Joint Resolution 10," presented by Senator Tick Segerblom, Senate District No. 3.

[Exhibit D](#) is written testimony presented by David Prior, Nevada State Director, Convention of States Action, dated April 27, 2017, in support of Senate Joint Resolution 10.

[Exhibit E](#) is a proposed amendment to Senate Joint Resolution 10, submitted by Samuel Fieldman, Member, Wolf PAC.

[Exhibit F](#) is a proposed amendment to Senate Joint Resolution 10, submitted by Samuel Fieldman, Member, Wolf PAC.

[Exhibit G](#) is written testimony presented by Frank Schnorbus, Nevada Legislative Liaison, Convention of States Action, dated April 27, 2017, in opposition to Senate Joint Resolution 10.

[Exhibit H](#) is written testimony presented by Randi Thompson, State Director, National Federation of Independent Business, dated April 27, 2017, in opposition to Senate Joint Resolution 10.

[Exhibit I](#) is written testimony presented by David Guldenschuh, Special Counsel, Balanced Budget Amendment Task Force, in opposition to Senate Joint Resolution 10.

[Exhibit J](#) is a copy of an article titled "Defying Conventional Wisdom: The Constitution was Not the Product of a Runaway Convention," published in Volume 40 of the *Harvard Journal of Law & Public Policy*, submitted by David Guldenschuh, Special Counsel, Balanced Budget Amendment Task Force.

[Exhibit K](#) is a booklet titled "Article V Convention: Twenty False Claims Regarding a Balanced Budget Amendment Convention," prepared and submitted by David Guldenschuh, Special Counsel, Balanced Budget Amendment Task Force.

[Exhibit L](#) is a document titled "Article V Convention Legislative Process Report," dated April 16, 2017, written and submitted by David Guldenschuh, Special Counsel, Balanced Budget Amendment Task Force.

[Exhibit M](#) is a document titled "Top Ten Reasons Why a 'Run-Away' is Impossible: Why an Article V Amendatory Convention is a Safe Method to Save America," written and submitted by Thomas Llewellyn, Co-Founder, Balanced Budget Amendment Task Force.

[Exhibit N](#) is a copy of Nevada Attorney General Opinion No. 2000-11, dated April 5, 2000, submitted by Jared Busker, Policy Analyst, Children's Advocacy Alliance.

[Exhibit O](#) is a document titled "Convention of States Agenda: Every Constitutional Amendment including the Kitchen Sink," written and submitted by Janine Hansen, State President, Nevada Families for Freedom.

[Exhibit P](#) is a document titled "Convention of States Reveals their *Revolutionary* Agenda: An Unlimited Convention to Structurally Change the U.S. Constitution," dated April 5, 2016, written and submitted by Janine Hansen, State President, Nevada Families for Freedom.

[Exhibit Q](#) is a copy of an article from the *Deseret News* titled "Nathan B. Oman: Balanced budget amendment is dangerous gimmick, not solution," by Nathan B. Oman, dated September 19, 2010, available at [www.deseretnews.com/article/700066412/Balanced-budget-amendment-is-dangerous-gimmick-not-solution.html](http://www.deseretnews.com/article/700066412/Balanced-budget-amendment-is-dangerous-gimmick-not-solution.html). This copy was submitted by Janine Hansen, State President, Nevada Families for Freedom.

[Exhibit R](#) is a document titled "Article V Balanced Budget Amendment EQUALS Massive Spending Cuts and Massive Tax Increases in the States," written and submitted by Janine Hansen, State President, Nevada Families for Freedom.

[Exhibit S](#) is a document titled "Yes on SJR10: Why Rescind all Previous Applications for an Article V Constitutional Convention?", submitted by Janine Hansen, State President, Nevada Families for Freedom.

[Exhibit T](#) is a document titled "Convention of States: Answering the John Birch Society Questions about Article V," written by Michael Farris and submitted by David Prior, Nevada State Director, Convention of States Action.

[Exhibit U](#) is a document titled "The Verdict is in: the Process Works," submitted by David Prior, Nevada State Director, Convention of States Action.

[Exhibit V](#) is a document titled "The Liberal Establishment's Disinformation Campaign Against Article V—and How It Misled Conservatives," written by Robert G. Natelson and submitted by David Prior, Nevada State Director, Convention of States Action.

[Exhibit W](#) is a document titled "Convention of States: Real Answers to Article V Questions," written by Rita M. Dunaway and submitted by David Prior, Nevada State Director, Convention of States Action.

[Exhibit X](#) is a copy of an email dated April 26, 2017, from Ryan Tipton to the Assembly Committee on Legislative Operations and Elections in opposition to Senate Joint Resolution 10.



[Exhibit Y](#) is written testimony submitted by Janette Dean, Private Citizen, Caledonia, Minnesota, dated April 26, 2017, in support of [Senate Joint Resolution 10](#).

[Exhibit Z](#) is a copy of an email regarding Attorney General Opinion 2000-11, submitted by Jared Busker, Policy Analyst, Children's Advocacy Alliance.

[Exhibit AA](#) is a letter dated April 28, 2017, in support of [Senate Joint Resolution 10](#) to members of the Nevada State Assembly, authored by Karen Hobert Flynn, President, Common Cause.

[Exhibit BB](#) is a group of e-mails in support of [Senate Joint Resolution 10](#).

[Exhibit CC](#) is a group of e-mails in opposition to [Senate Joint Resolution 10](#).