

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

Judiciary Committee  
March 03, 2016

---

[LB681 LB769 LB815 LB971 LB1090]

The Committee on Judiciary met at 1:30 p.m. on Thursday, March 3, 2016, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB815, LB769, LB681, LB1090, and LB971. Senators present: Les Seiler, Chairperson; Colby Coash, Vice Chairperson; Ernie Chambers; Laura Ebke; Bob Krist; Adam Morfeld; Patty Pansing Brooks; and Matt Williams. Senators absent: None.

SENATOR SEILER: My name is Les Seiler and I'm Chairman of the Judiciary Committee. The bewitching hour is already here so we'll get started. Just a few preliminary things: Senator Matt Williams is on your left, my right; Senator Chambers; and Diane Amdor is the legal counsel for us; Oliver VanDervoort is the clerk; Senator Pansing Brooks is on my left, your right; and Senator Laura Ebke. We will be joined by other senators as time goes along. There's a few of them still having session, so we'll go from there. Preliminaries: Make sure if you're going to testify you've picked up a sheet and filled it out. When you come to the chair, one of the pages will be over to pick up your written materials or your speaker's document. These mikes are really sensitive so people sitting in the back row, if you want to say anything slanderous, make it real quiet because you may be on public record. So they aren't for amplification; they are for transcription. And so we'll go from there. You'll be on the lights: a green light to start, it will come up yellow and that means you've got a minute left. When it turns red, stop. We'll then adjust whether or not to have you continue or if you're close enough to being finished then we'll ask questions and you can get in the rest of your testimony. I think that's about it. We'll take the bills in order as they were published. Senator Garrett, you're going to be first?

SENATOR WILLIAMS: No, Stinner.

SENATOR SEILER: You're first.

SENATOR GARRETT: Oh.

SENATOR SEILER: Yeah. Stinner, Senator Stinner, LB815. [LB815]

SENATOR STINNER: Thank you for allowing me to be first. I've got six and a half hours; he only has a half-hour, 45 minutes. [LB815]

SENATOR SEILER: Oh. (Laugh) [LB815]

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

Judiciary Committee  
March 03, 2016

---

SENATOR STINNER: (Exhibits 3 and 5) Good afternoon, Senator Seiler and members of the Judiciary Committee. For the record, my name is John, J-o-h-n, Stinner, S-t-i-n-n-e-r, and I represent the 48th District. It is my privilege to introduce LB815 on behalf of a member of the 12th judiciary...Judicial District Board of Mental Health, located in my district. LB815 would require mental health boards to use clear and convincing standard of proof in hearings wherein the petitioner wants the board to remove the disqualifications that would then allow the petitioner to possess firearms and to apply for a permit to carry a concealed firearm. Currently, the mental health boards are required to use the standard of clear and convincing evidence when making a determination to declare an individual as mentally ill and dangerous. The mental health board in my district has enacted a rule requiring clear and convincing evidence for hearings regarding firearm-related disabilities. We believe it is important for the application of the law to be consistent throughout the state and all mental health boards should be using the same standard of proof for hearing regarding the possession of firearms. We have also changed the word "subject" to "petitioner" to more accurately reflect the individual person. I also have three letters of support: one from Jerry Ost diek, who is chairman of the mental health board of the 12th Judicial District; one from Debra Diemoz, the Kimball County District Court Clerk; one from Kevin Spencer, Scottsbluff Chief of Police. And I've given these letters to the committee clerk and ask that they be part of the record. Dr. Tom Perkins, a member of the mental health board, will be testifying after me and he will be able to answer all of your questions better than I can. Thank you for your consideration. [LB815]

SENATOR SEILER: Any questions? Thank you. Are you going to stay for closing? [LB815]

SENATOR STINNER: I'll probably waive closing, but I will stay. [LB815]

SENATOR SEILER: Okay. Thank you. First proponent. The other thing I forgot to say is will you announce your name and spell it for the record. [LB815]

TOM PERKINS: (Exhibits 1 and 2) Okay. I am Tom Perkins and it's spelled P-e-r-k-i-n-s. [LB815]

SENATOR SEILER: Go ahead. [LB815]

TOM PERKINS: Senator Seiler, members of the Judiciary Committee, my name is Tom Perkins and I am an independent licensed clinical social worker and a member of the 12th Judicial District Board of Mental Health. Prior to my retirement, I was the Region I Behavioral Health Program administrator and the director of the Panhandle Mental Health Center. As a member of the board of mental health, along with a number of other colleagues in the Panhandle and throughout the state, we have agreed to assess the needs of alleged...people alleged to be

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

Judiciary Committee  
March 03, 2016

---

dangerous and mentally ill. We know that we must balance the rights of the person alleged to be dangerous and mentally ill with the community's need to be safe. The statute is quite specific in regards to the state's responsibility regarding the subject's rights: The state has the burden of proof to prove by clear and convincing evidence that the individual is mentally ill and dangerous. In the event that it is determined by evidence that the subject is dangerous and mentally ill, the board chair will present the board's findings at the end of the hearing and will give to the subject a notice of possible consequences. Those consequences include federal statute. The notice indicates: "Because of this finding, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition, pursuant to federal law." It will always be the board's concern to respect the subject's constitutional rights, and it may be for this reason that Section 71-963 addresses the interest of the restoration of one's rights to possess a firearm. This section outlines the evidence a subject must provide at a hearing so that the board may consider the request for firearms restoration. However, it is unclear as to what the burden of proof may...the board may require to determine whether the subject has control of one's mental illness and if the dangerousness has dissipated. Having experienced a hearing during which the subject requested the restoration of his gun rights, I will say that the statute did not give the board much guidance in regards to a burden of proof. Needless to say, the board's deliberation was very lengthy and, reluctantly, the board granted the subject's request. As a result of that experience, I have concluded that the statute needs to provide more guidance for boards of mental health. Very few have had to address the issue of the restoration of gun rights, and I would add that few board members might feel qualified to render a decision related to the restoration of one's gun rights. Admittedly, this is based upon my recent single experience, yet this may be a very challenging and sobering experience for boards of mental health. It is a grave responsibility. When the issue was brought to the attention of the Division on Behavioral Health, Department of Health and Human Services, staff members investigated what other states were doing related to the restoration of gun rights and discovered that there was a wide range of responses. The division concluded that perhaps each board should develop its own policy related to the level of proof that they would require. Should that happen, it is possible that there would be an inconsistent response to requests for the restoration of gun rights. My discussion with my colleagues do indicate that the standard of proof needs to be clear and convincing evidence. [LB815]

SENATOR SEILER: Okay. Your red light is on. [LB815]

TOM PERKINS: I see it. [LB815]

SENATOR SEILER: We will ask then, questions from any of the senators? Yes, Senator Williams. [LB815]

SENATOR WILLIAMS: Thank you, Mr. Perkins, for being here. [LB815]

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

Judiciary Committee  
March 03, 2016

---

TOM PERKINS: Yes. [LB815]

SENATOR WILLIAMS: Are there any concluding remarks that you would like to make?  
[LB815]

TOM PERKINS: There is, and basically it goes something like this. The board of mental health does have a grave responsibility balancing the needs and the rights of the subject with the needs and the rights of the community to be safe. By inserting Section 71-963(2)(a), the petitioner must prove by clear and convincing evidence, and that the mental health board shall grant petition under this section if the board determines that the petitioner has presented clear and convincing evidence that the disability disqualification provisions set forth in subsection (1) of this section should be removed. I believe that this balances the needs of the individual as well as with the community. [LB815]

SENATOR WILLIAMS: Thank you. [LB815]

TOM PERKINS: Thank you. [LB815]

SENATOR SEILER: Any further questions? Thank you for your testimony. Appreciate it. Next proponent. [LB815]

ROD MOELLER: Good afternoon, Senator Seiler, members of the Judiciary. My name is Rod Moeller, R-o-d M-o-e-l-l-e-r. I'm representing the Nebraska Firearms Owners Association. This is not normally something we would normally get into, but because it does affect firearms rights, we were concerned about how it was worded. We do support the bill because anytime you remove somebody's rights and anytime you have an appeals process for restoring somebody's rights, it's a very serious matter. We were concerned about the vagueness that may be in the existing law and we feel that this particular language does a very good job of providing a clear and consistent standard by which it must be proven in order to restore those rights. So for the record, we are in support of that bill. [LB815]

SENATOR SEILER: Questions? Thank you very much for your testimony. Next proponent.  
[LB815]

BUB WINDLE: Chairman Seiler and members of the committee, my name is Bub Windle, B-u-b W-i-n-d-l-e, here on behalf of the Nebraska State Bar Association in support of LB815. I'll keep this short. The bar's support is in providing a standard generally in these sort of adjudicative

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

Judiciary Committee  
March 03, 2016

---

processes. By including a clear and convincing evidence standard, the bill adds clarity to the law and facilitates the administration of such adjudications. Thank you. [LB815]

SENATOR SEILER: (Exhibits 3, 4, and 5) Any questions? Thank you for your testimony. Any further proponents? Anyone else in favor of this bill? Anyone opposed to this bill? Anyone opposed to this bill? Anyone wanting to speak in the neutral? Seeing none, there is three letters of support from the Kimball County District Court; from the law firm of Douglas, Kelly, Ostdiek, Ossian; and from the Panhandle Mental Health Center; and the Scottsbluff Police Department. There is one neutral and that's the ACLU. Senator, you may close. You waive closing? That concludes the record. These letters will be made part of the record. We will then now go to LB769. Senator Garrett, you may open. [LB815]

SENATOR GARRETT: Good afternoon, Chairman Seiler, members of the Judiciary Committee. I'm Senator Tommy Garrett, T-o-m-m-y G-a-r-r-e-t-t, and I represent the people of Bellevue and Papillion living in District 3 of Sarpy County. In society, we use laws to promote a just, fair, and safe society. That is why I'm here today to introduce LB769. Current Nebraska law criminalizes Nebraskans' rights to self and family protection. Nebraska law makes it illegal for concealed carry permitholders to carry in bars, churches, schools, sporting events, hospitals, banks, public meetings, and fund-raisers. I'm seeking to amend the statute to allow for these businesses and entities to set their own policies. If enacted, all statutory requirements that these locations be gun-free zones will be removed, and each entity will have the opportunity to decide for themselves whether or not they want to remain a gun-free zone. If an individual entity or business decides to remain a gun-free zone, they will be required to post signage stating that they are indeed a gun-free zone, just as they are now. The bill will also change the statutes regarding confiscated guns. Instead of having confiscated guns destroyed, the bill will allow confiscated guns to be auctioned off, with the proceeds going to school districts and local law enforcement. In the state of Minnesota, which requires reporting of forfeiture and seizures, it was shown that 13 percent of seizures in Minnesota were of firearms. I believe we are cheating our schools and law enforcement communities out of millions of dollars by requiring these items to be destroyed. The bill allows law enforcement the ability to destroy weapons that they deem unsafe or if they have a law enforcement reason. Since at least 1950, all but two mass shootings in the U.S. have taken place where citizens are prohibited from carrying guns. In Europe there have been no exceptions. Every mass public shooting, and there have been plenty of mass shootings in Europe, have occurred in a gun-free zone. In addition, they've had three of the six worst K through 12th grade school shootings, and Europe experienced, by far, the worst mass public shooting perpetrated by a single individual. This event took place in Norway in 2011 and left 67 people dead and 110 wounded. These killings all took place in gun-free zones. Whether it be the horrific church shooting at Emanuel Methodist Episcopal Church that took nine lives in Charleston, South Carolina, the shooting at Umpqua Community College that took ten lives in Roseburg, Oregon, or the horrific shootings at the U.S. Bank in Norfolk, Nebraska, that took five lives, gun-

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

Judiciary Committee  
March 03, 2016

---

free zones are the target of choice for the criminally deranged. The church shooting in Charleston was going to be a college shooting until the killer realized that the college of Charleston had armed guards. I was an Air Force brat growing up, and as a family we lived all over the world. However, I spent my teenage years in Aurora, Colorado. I remember the horror I felt when I felt...when I heard about the terrible theater shooting during the Batman premier at the Aurora theater. The perpetrator of this deranged event had his choice of seven movie theaters within 20 minutes of his apartment. Of those seven theaters, only one banned concealed handguns and that's the one he attacked. When he was confronted by law enforcement, the coward immediately dropped his weapon. To get a concealed carry permit, you must go through an extensive FBI background check conducted by the Nebraska State Patrol, go through training, testing, a vision test, and turn in a notarized application with a filing fee of \$100. Current Nebraska statute makes it a felony for concealed carry permitholders to carry in churches, banks, schools, bars, some restaurants, fund-raisers, polling places, sporting events, public meetings, and hospitals. These places are called statutory gun-free zones. The problem is that statutory gun-free zones are where these mass shootings keep occurring. You see, the criminally deranged are cowards and they do not want to be challenged by a possible concealed carry permitholder. We need to enable law-abiding Nebraskans...we need to enable law-abiding Nebraskans. Our current law disables them. In closing, data studied by the Purdue Homeland Security Institute at Purdue University shows that shooters average three victims per minute. With the average police response time being at least 10 minutes, you can do the math. The institute's director, Eric Dietz, said that since it is nearly impossible for law enforcement to speed up response times, the best course of action in preparation for an active shooter situation is for an entity to add locks to its doors and there to be armed individuals who are able to fight back. The institute said both of these approaches were the best way to reduce response times and casualties. We've seen over and over a single resource officer or even an armed teacher in a defensive position between an attacker and students can reduce the number of victims by up to 70 percent. They are only two measures that consistently have significantly resulted in detail modeling to reduce casualties. The study was completed in 2014. Today I'm asking that you give thoughtful consideration to decriminalizing personal protection. Nebraska concealed carry permitholders have taken classes, passed tests, gone through an extensive FBI background check through the Nebraska State Patrol. I'm not requesting that we allow just anyone to carry concealed in these areas, and I'm not requesting or requiring any Nebraska entity to allow concealed carry at their place of work or worship. I'm just asking that they have the opportunity set their own policies and protect themselves and their families as they see fit. It's time for Nebraska to decriminalize common sense and proven fact. Thank you for your consideration and I respectfully request the advancement of LB769 to General File. [LB769]

SENATOR SEILER: Questions? Senator Chambers. [LB769]

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

Judiciary Committee  
March 03, 2016

---

SENATOR CHAMBERS: My friend, Senator Garrett, I want to show you that on a very controversial issue, in most instances, and one with which I disagree with you greatly, I can never the less be civil. Now it's difficult, but I will be. Seriously, though, did you see the article that I handed out this morning where the permitholder went into the Douglas County Court? He had a pistol holster on one ankle, a canister or a container of ammunition on his other ankle, and said he forgot that he had them. [LB769]

SENATOR GARRETT: Uh-huh. [LB769]

SENATOR CHAMBERS: What did you think when you read that? [LB769]

SENATOR GARRETT: Well, I...the man...the individual was obviously comfortable with carrying a concealed weapon, which is a good thing, and he made a mistake. People make mistakes. [LB769]

SENATOR CHAMBERS: You think he forgot? [LB769]

SENATOR GARRETT: I think he forgot, I really do. [LB769]

SENATOR CHAMBERS: Now why you won't pay attention to this until I mention it. You don't feel your shirt at all because you wear it all the time, but you know you got a shirt on. And if you go to a restaurant and they say, no shirt...I meant no tie, no shoes, no service, he knew that he wasn't suppose to have a gun in the courthouse. Everybody knows that. If you've ever gone into Douglas County Courthouse, you see the metal detectors. He thought by having it in his ankles...around his ankles he would not be within range of the metal detectors. And the judge, contrary to what people said when they were trying to annul local ordinances relative to gun possession, he could have been fined, I believe it was, \$500 and six months in jail. The judge only fined him \$200, which indicates he doesn't think it's very serious if somebody brings a gun into the courthouse. So these gun wielders are not treated harshly. They're not treated harshly enough, in my opinion, but that's just my opinion. Would your bill allow guns to be carried into buildings that hold where courtrooms are located? [LB769]

SENATOR GARRETT: Our bill would allow a concealed permitholder to carry a weapon in any building that doesn't prohibit it. So if a court building, the courthouse itself, if they decide that they want that to be a gun-free zone, they have every right to do so, the University of Nebraska. All we're doing is allowing institutions to make that decision. [LB769]

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

Judiciary Committee  
March 03, 2016

---

SENATOR CHAMBERS: There are a lot of things that people in society want to do, but we, as the Legislature, establish policy. For example, if somebody uses heroin at home, he or she is not hurting anybody. But if the police know that that person has possession of heroin, it's a crime. [LB769]

SENATOR GARRETT: It's an illegal substance, yes, sir. [LB769]

SENATOR CHAMBERS: So we establish policy, and I think the policy is wise that the state is saying that in this society, which is governed by laws, it is not going to be appropriate to have these gun totes just every which way. And because some people who operate certain establishments can be pressured, then the state is going to put an umbrella of protection and those people will say, no guns here because the state said so. And maybe you don't know this and haven't found it out in the number of years you've lived, Sonny, but I've lived a long time and I know that some people, in order to do right, need a basis for doing right and they like to have that firewall between them and whatever it is that would approach them. So if they can tell people, I can't have any guns in here because the state said I can't, it prevents them from having a confrontation with somebody. That's my opinion. Now let me ask you this. If the university decided to allow guns on campus, would that make you uncomfortable? [LB769]

SENATOR GARRETT: I'm not particularly a big fan of allowing concealed permitholders to go on campus, but, again, that should be the campus' decision. And in all reality, you know, the shootings that have occurred at schools, I would feel pretty comfortable with especially professors, instructors, resource officers carrying weapons. [LB769]

SENATOR CHAMBERS: Did you see where in Texas a professor quit because these guns would be on campus? They were there. They didn't have any choice about it. And you know what he taught? Architecture. But you know what he pointed out? That these students have various competitions. You have to put together a project and then you have peer review among the students, and that a lot of times they are very tense, there's anger, some people break down and cry. And the professor said, on occasion he has to be the one who says no soap. And he didn't want guns in that environment. He didn't want to be the one who might be the target, so he left and he immediately got a job at a university in Pennsylvania. For some reason, the nut who mandated that guns be at these schools did not require that they be at religious-connected schools, and none of them will allow the guns on their campuses. So do you think that those students at those schools are being cheated because they can't carry guns at SMU or Texas Christian? [LB769]

SENATOR GARRETT: Senator Chambers, just like that professor chose to leave that university because of their rules, students can choose to leave those universities that don't allow the

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

Judiciary Committee  
March 03, 2016

---

concealed carry. If they feel that strongly and that passionately about it, they have every right to do it. It's a free country. And that's the beauty of this, is that we have a Second Amendment right to keep and bear arms and so that's all I'm saying, is there...statutorily, there should be no gun-free zones other than the courtroom, as we mentioned, and let institutions set that policy on their own. [LB769]

SENATOR CHAMBERS: But Scalia, when handing down a decision that was wrong, made an intelligent statement. That Second Amendment right is not without limitation. And for somebody who's in a policymaking position to say, well, if you don't like it in this school, go somewhere else; if you don't want to teach there because you think you're in danger, go to another school; I think it's irresponsible. That's my view and my reaction to what you've said. And since you've said it here and you're a lawmaker, and you can respond to me, I want the record to know that I'm one of those who does not tell people if you don't like it get out. I don't like guns. And if anybody tries to change the law so guns can be brought into this building and into this hearing room, that's what you would want unless the Legislature said no. But if the Legislature said it's all right, you'd be comfortable arming the kind of people who come to our hearings, wouldn't you? [LB769]

SENATOR GARRETT: Yes, I would. Senator Chambers, nobody ever thinks it's going to happen to them and I'm always of the mentality I'd rather have it and not need it than need it and not have it. I feel such compassion for those poor people in that theater in Aurora when that gunman came into the front of the theater and just started spraying gunshots. [LB769]

SENATOR CHAMBERS: And in the dark then you got a pistol; you start shooting back at him, huh? [LB769]

SENATOR GARRETT: Well, I would... [LB769]

SENATOR CHAMBERS: Is that what you... [LB769]

SENATOR GARRETT: ...I would definitely engage. [LB769]

SENATOR CHAMBERS: And you were in the military? [LB769]

SENATOR GARRETT: I'm definitely ex-military, retired military. [LB769]

SENATOR CHAMBERS: What branch were you in? [LB769]

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

Judiciary Committee  
March 03, 2016

---

SENATOR GARRETT: Air Force. [LB769]

SENATOR CHAMBERS: And that's why the Army doesn't have much respect for people in the Air Force, because they're not trained to use weapons. [LB769]

SENATOR GARRETT: Senator Chambers, we are trained to use weapons. We get training every year in the Air Force. And again, to get a concealed carry permit, you have to take a class. You have to go on the range. And obviously, you're not going to be as proficient as a law enforcement officer, but you're not intended to be... [LB769]

SENATOR CHAMBERS: Well,... [LB769]

SENATOR GARRETT: ...because at the first engagement normally these cowards, these mass shooters, they'll tuck their tail and run if anyone starts shooting back. [LB769]

SENATOR CHAMBERS: ...entire...when I say divisions I don't mean literally the division with the number of people. Entire divisions of American soldiers have surrendered during war. So they were cowards, huh, because they put their guns down and didn't fight to the last person? You don't have to answer that, but I want to remind you that it's easy to say those kind of things. But I'll tell you what. I took my basic training at Fort Leonard Wood, Missouri, and there were Air Force guys who trained there too. They never had to carry a weapon when they trained. They didn't even know how to roll a poncho on their pistol belt so it wouldn't come unraveled and they look like they had a long tail. They didn't wear the...they didn't have to carry the full field packs. They didn't even know what they were. We thought of the Air Force people as office people, and they didn't get the kind of training on the range that we did in the Army. So I'm not surprised, when I think about it, that you would say let them carry guns in the theater and if somebody starts shooting, you shoot back. In a room as crowded as this, if somebody stood up and started shooting, you'd shoot back and there would be a gun fight. And you think that's appropriate, huh? [LB769]

SENATOR GARRETT: Absolutely, rather than sit there and just get shot and murdered, absolutely. Somebody has to fight back. Someone has to have the guts to stand up and not just be slaughtered. I absolutely feel that way. When I was deployed to Desert Shield/Desert Storm, I had a sidearm with me. I slept with it. I went to the bathroom with it. It never left my side. It just...and I think it's presumptuous to think this individual who took the handgun into the court did so on purpose, trying to evade, because when you regularly wear a weapon you forget it's there. You literally forget it's there. [LB769]

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

Judiciary Committee  
March 03, 2016

---

SENATOR CHAMBERS: I'm glad (inaudible) can't carry guns, because I think cowards carry guns. I think cowards carry guns. And I see them in my community. And I don't carry a gun and nobody tries to face me down. I'm not bulletproof, but I'm not a coward either. And you don't see me running around saying to young people, you ought to have a gun, you ought to have a gun in church, you ought to have a gun in school, that's the way things are settled. You know when people see me in my community they see somebody who, in their opinion, is not afraid of anything. They see me come down here. They know the threats that I get in this white building. They know the insults that are directed at me in this white building. But they also know I don't carry weapons and everybody knows I don't carry a weapon. I've never threatened anybody. So maybe I'm the one who's crazy. [LB769]

SENATOR GARRETT: Well, Senator Chambers, everyone has an opinion. And I admire you for your stance but...I don't consider you a coward but I don't...I certainly don't consider any of us who like firearms who want to carry concealed to be cowards either. [LB769]

SENATOR CHAMBERS: Well, you're scared. [LB769]

SENATOR GARRETT: I'm not scared, no, sir. [LB769]

SENATOR CHAMBERS: Yes, you are. [LB769]

SENATOR GARRETT: No. [LB769]

SENATOR CHAMBERS: If you had a gun, you'd shoot me right now. [LB769]

SENATOR GARRETT: I have a...no absolutely not. (Laughter) [LB769]

SENATOR CHAMBERS: I know that. I know that. [LB769]

SENATOR GARRETT: I feel a parental responsibility to protect my children and my wife and my family and my fellow citizens when someone is committing a crime. [LB769]

SENATOR CHAMBERS: (Inaudible) I didn't have a responsibility to protect my children? And I often went to school and I told teachers don't you put your hands on my child. Because there's a lot less disparity between your size and my size, and your size and my child, if you want to put your hands on somebody, put your hands on me. And every teacher I said it to was bigger than I am. I'm not a big physical person. And there was one...well, I won't go through that. It takes too

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

Judiciary Committee  
March 03, 2016

---

long. But here's what I'm going to say. I wanted to express my views on this bill to you because you're the introducer, but anybody else who speaks on the bill, they won't get any of this. They're just ordinary citizens. They're coming to present their view. I want to hear what they have to say. But they also know what I'm thinking even though I'm not saying anything. But that's all that I would have. [LB769]

SENATOR GARRETT: Thank you, Senator. [LB769]

SENATOR SEILER: Senator Pansing Brooks. [LB769]

SENATOR PANSING BROOKS: Thank you, Chairman Seiler. Senator Garrett, I called you just a little bit ahead of this just to give you a little heads up that I have some questions on this one. On page 9, Section 6, line 22, it talks about the sections that are outright repealed and it talks about Section 79-263. (Section) 79-263 is...deals with the school district in our statutes, and it's a policy regarding firearms and requirements and basically says: Each school district shall adopt a policy requiring the expulsion from school for a period of not less than one year of any student who's determined to knowingly and intentionally possessed, used, or transmitted a firearm on school grounds, in a vehicle owned, leased or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or at a school-sponsored activity or athletic event. And it goes on and uses the definition of firearm under the U.S. Code, Section 18 U.S.C. 921. And so what I'm asking about and this is the part that you have stricken and why is that? Do you have a reason why you struck that part, because it's my understanding that this violates federal law to do that? [LB769]

SENATOR GARRETT: I'm not aware that this violates federal law. And I know that, for example, Kansas adopted a similar thing that allows concealed carry in secondary schools and not just universities. Texas has it for universities. But we'll have to research that and get back with you... [LB769]

SENATOR PANSING BROOKS: Okay. [LB769]

SENATOR GARRETT: ...to find out specifically what the... [LB769]

SENATOR PANSING BROOKS: The things that I'm referring to specifically are the Gun-Free Schools Act of 1994 and the requirement that there be legislation, it's under 20 U.S. Code, Section 7151. It talks about the gun-free zone requirements and basically it says states have to take action, and if it's not...if they don't do so then they risk losing ESEA funds. And ESEA funds are, I've just done quick research, Elementary and Secondary Education Act funds. The

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

Judiciary Committee  
March 03, 2016

---

first calls to the schools that I've...that I was able to reach as this was all coming to light this afternoon or this morning is that that could be \$117 million of loss of funding to the schools, so. [LB769]

SENATOR GARRETT: Again, your phone call was five minutes before this session so... [LB769]

SENATOR PANSING BROOKS: I know. (Inaudible). [LB769]

SENATOR GARRETT: ...so I can definitely do the research on that and get back with you. I know my sister, my younger sister is a school teacher in Colorado and they...the teachers in her particular school got together and had a discussion about whether or not they wanted to arm themselves. So this isn't something that's just taking place in Nebraska or Kansas or Texas. It's...you know, unfortunately, every time, or fortunately, every time there is a mass shooting, the vast...the response from the American public is not to be antigun and to further limit guns; is they join the NRA. They go out and they purchase weapons and they get training. They get concealed carry permits. Unfortunately, this is a sign of the times and... [LB769]

SENATOR PANSING BROOKS: Oh, so are you...you're thinking kids should be able to also bring guns to schools? [LB769]

SENATOR GARRETT: Absolutely not. In college, universities, if they want to decide that, but... [LB769]

SENATOR PANSING BROOKS: But this law that you're repealing requires the expulsion from school of any student who comes and knowingly or intentionally possessed, used, or transmitted a firearm. So why would we...why would you be thinking that, in that way? [LB769]

SENATOR GARRETT: Why would I be thinking that... [LB769]

SENATOR PANSING BROOKS: Yeah, well, that you're getting rid of that requirement for expulsion. [LB769]

SENATOR GARRETT: We're not getting rid of the expulsion requirement for... [LB769]

SENATOR PANSING BROOKS: Yeah, that's what 79-263...you got rid of that entire statute, if you look even, it's page 9. [LB769]

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

Judiciary Committee  
March 03, 2016

---

SENATOR GARRETT: Page 9 on line 6, "Any expulsion that will remain in effect during the first semester of the following school year." We're still talking about expulsion for students. [LB769]

SENATOR PANSING BROOKS: Okay. I read that. [LB769]

SENATOR GARRETT: You know, it's ironic, when I was in high school, kids from my high school had gun racks in their pickups and had rifles... [LB769]

SENATOR PANSING BROOKS: Yeah, but this isn't the same as the requirement that there be a policy regarding expulsion of a student who brings a firearm to school. So anyway, I hope you look at that and we'll... [LB769]

SENATOR GARRETT: Okay. [LB769]

SENATOR PANSING BROOKS: ...discuss that further. But that certainly...if that's true, that loss of funding would be (inaudible). [LB769]

SENATOR GARRETT: I certainly would not advocate for high school kids to have guns, although ROTC is an exception where they have drill teams and things like that, and trap and skeet shooting teams. [LB769]

SENATOR PANSING BROOKS: Thank you, Senator Garrett. [LB769]

SENATOR SEILER: Any further questions? Senator, I have one. [LB769]

SENATOR GARRETT: Okay. [LB769]

SENATOR SEILER: I've researched the history of this bill and I don't see where anybody made it a priority. Has anybody made this bill a priority? [LB769]

SENATOR GARRETT: No, just like my dismemberment abortion bill, I brought this on day one, hoping to get an early hearing... [LB769]

SENATOR SEILER: Okay. [LB769]

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

Judiciary Committee  
March 03, 2016

---

SENATOR GARRETT: ...and convince one of my colleagues. But it didn't happen. [LB769]

SENATOR SEILER: I just wanted to make sure I hadn't missed anything. Thank you. [LB769]

SENATOR GARRETT: Thank you. [LB769]

SENATOR SEILER: Thank you very much. First proponent. [LB769]

KATIE SPOHN: (Exhibit 1) Good afternoon, Chairman Seiler, members of the Judiciary Committee. My name is Katie Spohn, K-a-t-i-e S-p-o-h-n, and I'm here today on behalf of my client, the National Rifle Association. We're testifying in support of LB769. While the NRA is in favor of the entire bill, I'm here today to specifically show support for Section 1. Copies of the NRA's letter supporting LB769 are being circulated to the committee right now. Section 1 of LB769 allows law enforcement to treat firearms like any other lawful consumer product that comes into their custody. Very simply, the bill requires law enforcement to return seized firearms to their rightful owner or, if necessary, to sell them at auction to federally licensed dealers. Police departments and other public agencies routinely sell forfeited property to the law-abiding public, including firearms. NRA supports LB769 because it eliminates the wasteful and expensive practice of destroying firearms that could be recirculated through licensed dealers to the retail market. These auctions would be conducted in a controlled manner with sales only permitted to licensed firearm dealers, collectors, importers, or manufacturers. What's more, LB769 would permit any law enforcement agency director or chief to declare a firearm unfit for sale because of wear, damage, age, or modification. NRA further supports LB769 because the proceeds from these firearm auctions would go to support our local schools. For these reasons, the NRA supports LB769. Thank you. [LB769]

SENATOR SEILER: Ma'am, we have a letter here from...that's been given to us from Christopher Kopacki. [LB769]

KATIE SPOHN: Yes. [LB769]

SENATOR SEILER: Is he going to testify? [LB769]

KATIE SPOHN: No. Mr. Kopacki is not here to testify. [LB769]

SENATOR SEILER: And so you're asking this to be made part of the record? [LB769]

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

Judiciary Committee  
March 03, 2016

---

KATIE SPOHN: Yes. Yes. [LB769]

SENATOR SEILER: Okay. It will be. Any further questions? Thank you very much. [LB769]

KATIE SPOHN: Thank you. [LB769]

SENATOR SEILER: Next proponent. [LB769]

ROD MOELLER: Senator Seiler, members of the Judiciary, my name is Rod Moeller, R-o-d M-o-e-l-l-e-r. I'm speaking on behalf of the Nebraska Firearms Owners Association and the approximately 47,000 concealed handgun permitholders in the state of Nebraska. Concealed handgun permitholders are some of the most law-abiding folks that you're going to find as a segment. We go through extensive background checks. We have extensive checks to ensure that we don't have chemical abuse or domestic...any type of violence history. And, in fact, if you take a look at many other states where some of the data is available, we find that concealed handgun permitholders have a lower rate of being charged with a felony than either law enforcement or elected officials. We certainly want to obey the law. We're not a danger in most places and that certainly doesn't change as soon as we cross the threshold into a premises that happens to be of a particular type. Just because we cross into an establishment that sells 58 percent of their revenue happens to be liquor, as an example, doesn't make us become dangerous. A little bit of the history here: In 2006, through an abundance of caution, when the original Concealed Handgun Permit Act was debated and it ultimately passed, there were a lot of concerns about there being blood in the streets. None of those fears have come true. Prohibited places in Nebraska are not prohibited in many of the other states and they don't have any of those issues or concerns that people have been expressing in those places. Any location no longer prohibited by state law is still free to post those premises. As an example, if my bank were to decide, if this were to pass, my bank were to decide that they were going to post the premises, I would be happy to take my business to a credit union or a bank that did allow. And, you know, imagine that--the free market making a determination. A typical person placed at risk by bad policy like this, and I can't help but think about the women that are dealing with a crazy "ex" or some other follower, and their workplace is one of the greatest areas of risk for her and her coworkers. Transitional areas are the greatest risk in that type of scenario, that being from their place of work to their vehicle. How many women have taken out protection orders against stalkers and abusers, etcetera, and are denied the ability to protect themselves because of the type of establishment that they work? We know that protection orders are worthless. They only work on those that wouldn't commit an act of violence otherwise. It's just a wake-up call for those that are willing to listen. We experience nearly 4,800 instances of violent crime annually in the state of Nebraska. There's many reasons why the over 47,000 Nebraskans have applied for and received a concealed handgun permit since 2007, including many of your friends and colleagues. [LB769]

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

Judiciary Committee  
March 03, 2016

---

SENATOR SEILER: Any further questions? Yes. [LB769]

SENATOR EBKE: Are you about finished or did you get everything done that you wanted to say or have some closing remarks? [LB769]

ROD MOELLER: Yeah, I just want to point out that the fears presented by those that are against the right to self-defense are really unfounded fears that are based on straw man arguments with very little factual support. A common argument is if guns are allowed in certain places that it would squash free thought and exchange of ideas. I hear that all the time. But I just question how many people who make that claim have been cold-cocked by somebody through a disagreement that they've had up to this point. If they haven't been subject to violence in that scenario up to this point without a gun, why would any other type of weapon being present suddenly make that type of violence prevalent? That's all I have. [LB769]

SENATOR EBKE: Thank you. [LB769]

SENATOR SEILER: Any questions? Thank you very much for your appearance and your testimony. Next proponent. Next proponent. Opponent. [LB769]

JAN HOBBS: (Exhibit 2) Dear Chairman Seiler and members of the Judiciary Committee, it's nice to see you again. I want to thank you for allowing me to testify on this important issue. My name is Jan, J-a-n, Hobbs, H-o-b-b-s. I am the mother of two grown children. I'm a veteran of the United States Air Force, and a volunteer with the Nebraska Chapter of Moms Demand Action for Gun Sense in America. Moms Demand Action is a grass-roots movement of American moms and dads who fight for public safety measures that keep our country safe while respecting the Second Amendment. Moms Demand Action is part of Everytown for Gun Safety, the largest gun violence prevention organization in the country with more than 2 million supporters...members, excuse me. I am here today representing thousands of Nebraska moms and dads who oppose LB769. LB769 is a misguided bill that would let people carry hidden, loaded handguns in our children's schools, on college campuses, and even in bars. As a mom and as a former service member, the idea of this terrifies me. Allowing concealed, loaded handguns in Nebraska's bars is a terrible policy. Studies have shown that drinking alcohol is associated with increased aggression, impaired judgment, and violent behavior. Why would we add this extra risk? Ninety-three percent of Americans think that people should not be able to bring guns into bars, so why...or who is this legislation benefiting? The risks of this policy outweigh any conceivable benefit. I ask you to hear the concerns of Nebraska's moms and dads and not that of the gun lobby. And as if that weren't enough, by repealing a crucial section of state law, this bill would leave our state ineligible for over \$100 million of federal education funding, as Senator Pansing Brooks was saying. That's money that goes towards math and science education, aid for

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

Judiciary Committee  
March 03, 2016

---

disabled students, and rural school assistance, among other important programs. Do Nebraska lawmakers really want to replace textbooks with guns? Is that a worthwhile trade-off for the well-being of our children? As an American, a parent, a veteran, and a volunteer with Moms Demand Action, it is my responsibility to fight against costly, dangerous, and irresponsible legislation. This bill not only compromises our safety, it does not improve it. On behalf of the Nebraska Chapter of Moms Demand Action, I urge you to vote no on LB769. And thank you again for your time. [LB769]

SENATOR SEILER: Questions? Thank you for your testimony. [LB769]

JAN HOBBS: Thank you. [LB769]

SENATOR SEILER: Next opponent. [LB769]

AMANDA GAILEY: (Exhibit 3) Hi. My name is Amanda Gailey, G-a-i-l-e-y, and I'm the president of Nebraskans Against Gun Violence. Senator Garrett justified this bill by saying, to the Lincoln Journal Star back in October, gun-free zones are what's killing us. So this echoes a familiar gun lobby talking point. I wondered what the numbers really tell us, so I asked an organization called Gun Violence Archive, which is a nonpartisan, policy-neutral, data collection organization, to pull every incident of gun violence reported for the state of Nebraska in the year 2015. There were 179 unique gun violence incidents in the state in 2015, all of which are in the spreadsheet that I just handed out to you. Of those 179 incidents, if gun-free zones are what's killing us, I would anticipate the majority or all of them would be in gun-free zones, but, in fact, 6, that's one digit, of the 179 gun violence incidents in our state occurred in places where city or state policy prohibits concealed carry. I find it baffling how anyone can look at those numbers and conclude that gun-free zones are what's killing us when, in fact, the numbers strongly suggest the obvious--that it's having guns everywhere that's killing us. The belief that we need guns everywhere is based on the idea that we need to be able to defend ourselves with guns, as Senator Garrett just expressed. This belief is supported by the absurd NRA myth that there are 2.5 million defensive gun uses per year in the United States, which has not only been repeatedly debunked in the peer-reviewed literature but is on its face ridiculous. In the state of Nebraska, which comprises .5 percent of the U.S. population, we would expect to see roughly 12,500 defensive gun uses per year in our state, 12,500 in our little state. That would be something like 35 per day of Nebraskans pulling out guns to defend their bodies or their property from violence and crime. So how many of those should we expect to see reported in the gun violence archive literature that combs 1,500 news sources as well as law enforcement sources? The answer is not 1,000 of those 12,500 or 100 but 1 single defensive gun use that was documented for the year 2015 in this state. So what you can see, in conclusion, as you look over this data is the striking fact that the majority of gun violence here is occurring not in gun-free zones and it's not

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

Judiciary Committee  
March 03, 2016

---

happening defensively. It's happening on the streets and in private homes where nothing is prohibiting guns. The bill that is before you today is ideologically driven and fact blind. It does nothing to solve gun violence in the state of Nebraska. [LB769]

SENATOR SEILER: Senator Ebke. [LB769]

SENATOR EBKE: Thank you. Do you have any data on how many of these incidents were committed by concealed carry permitholders? [LB769]

AMANDA GAILEY: I do not. One reason I don't is because legislation has been passed to prohibit that data collection, so the gun lobby has sought to conceal facts about how frequently concealed carriers commit crime. I can tell you that, at the very most, there was one defensive gun use in the state. So it doesn't seem like they're using it to prevent crime either. [LB769]

SENATOR EBKE: But one defensive crime doesn't...defensive gun use doesn't even mean that they were a concealed carry permitholder. [LB769]

AMANDA GAILEY: Yeah, though I believe that the person who did commit the one defensive gun use documented, I believe he was a concealed permitholder. And some of you might be familiar with that case. It was the man who shot an unarmed man who broke the windshield of the car he was sitting in. [LB769]

SENATOR EBKE: Thank you. [LB769]

AMANDA GAILEY: But to answer your question, no, because of restrictions, ideologically driven restrictions on the collection of data, we don't have the answer to that question, by design. [LB769]

SENATOR EBKE: The State Patrol, I presume, can get us data on any removal of permits or denial of permits based on gun crime. [LB769]

AMANDA GAILEY: I'm not sure I understand that question. [LB769]

SENATOR EBKE: Well, I mean the State Patrol, which issues... [LB769]

AMANDA GAILEY: Oh. [LB769]

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

Judiciary Committee  
March 03, 2016

---

SENATOR EBKE: ...the concealed handgun permits, can get us information about that, I'm sure. [LB769]

AMANDA GAILEY: About how many times they've been revoked? [LB769]

SENATOR EBKE: They have, but how many times they have been denied or revoked because of that, yeah. [LB769]

AMANDA GAILEY: Yeah, I'm not sure. Yeah. [LB769]

SENATOR SEILER: Any further questions? You're asking that your printout be made part of the record. [LB769]

AMANDA GAILEY: Yes, please. Yes. [LB769]

SENATOR SEILER: It would be received. [LB769]

AMANDA GAILEY: Thank you. [LB769]

SENATOR SEILER: Thank you very much. Next opponent. [LB769]

ANNA MARIKA STONE: (Exhibit 20) Thank you, Chairman Seiler and members of the Judiciary Committee, for allowing me to testify on this important issue. My name is Marika, M-a-r-i-k-a, Stone, S-t-o-n-e. I'm a physician and on faculty at the University of Nebraska Medical Center, a trauma center. I am here to ask you to oppose LB769. As an anesthesiologist, taking care of pediatric trauma, I know firsthand the toll of gun violence in Nebraska. I took care of a four-year-old boy who was shot in the neck last spring. This four-year-old boy was left paraplegic because the bullet went through his spinal cord. He will never be able to eat or talk because his esophagus and trachea were so damaged that they couldn't be repaired. He spent many months in the hospital. This little boy's potential was stolen from him because of gun violence. We cannot afford to lose more American potential with the senseless loss of children and young adults from gun violence, which is why, as an educator, physician, and a mother of a college student and a middle-schooler, I strongly oppose any move to allow guns on college campuses and in our children's schools. Anyone who has ever worked in or stepped foot onto a college campus or middle school knows it can be a place of intense social pressure. College life in particular is rife with risk factors like alcohol and drugs, and mixing these risk factors with the presence of a firearm can add an element of danger to an already insecure time in students' lives. I do not want to have to tell another parent that their child did not make it or has been forever

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

Judiciary Committee  
March 03, 2016

---

altered, did not make it due to a preventable, unintentional discharge of a firearm or an argument that could have ended peacefully had there not been an easily available firearm. I know we want to keep our children safe, but the solution does not lie in gun...in more guns in sensitive areas. We should focus on solutions that work, not a costly and risky policy that college stakeholders across the country, from university presidents to campus police chiefs, overwhelmingly oppose. In medicine, we are constantly being pushed to practice evidence-based medicine, and in this case there is no evidence to show that allowing more guns will result in greater safety. Beyond risk to our safety, allowing firearms on our college campuses adds an additional cost burden to universities and school districts. When Texas and Idaho passed their campus laws, the schools' costs increased. I ask, with all due respect, where will we find the funding? Given limited resources, the state needs to proceed very carefully based on the experience of other states that have enacted similar laws. [LB769]

SENATOR SEILER: Questions? Senator Chambers. [LB769]

SENATOR CHAMBERS: By the way, in Texas, law enforcement people were opposed to that law that mandated that guns be on these college campuses, and some of the arguments were from law enforcement. They have problems with liquor and drugs, as you said. And this is not from that article but there are magazines that put out articles naming the top party schools in the country, and they're not talking about academics but where there's a lot of drinking, a lot of drugs. And the worst thing that you could do is put guns in an environment like that. So some people who advocate this kind of activity are tools and stooges of the NRA, the gun manufacturers, the gun dealers, the gun traders, those who are instrumental in bringing guns into my community. And to say...maybe they never went to college, but how that there's not...there are not stressful situations that arise every day on college campuses, there are even instances where football players, who play on the same team, get into fist fights with each other. The testosterone, the encouragement to use violence carries over into other things. And it should be the responsibility, in my mind, of policymakers not to say, because you got a lot of crazy people running out around there, like NRA people, saying the way to fight guns is to have more guns. We have to use intelligence. We have to manifest judgment. And we have to be a bulwark against that kind of nonsense and put policies in place where ordinary citizens don't have to say, well, wherever I go it's going to be all right for people to have guns. I cannot stop every bad thing or everything that I consider to be bad. But when I see this loosening of regulation against guns, then you have the mass shootings. Before the push was put on by NRA and the gun dealers have guns everywhere, you didn't have as many mass shootings as you have now. And they know what shootings will do. So, as somebody pointed out, when there's a mass shooting, there's a proliferation of people who want to go buy more guns, which is what the NRA and the gun dealers want--more guns in the hands of people who don't know how to use them. And there are accidents in homes. They're having more of them where children as young as five years old are killing their siblings, not on purpose. They play with the guns. They're available. [LB769]

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

Judiciary Committee  
March 03, 2016

---

ANNA MARIKA STONE: I know because I did an autopsy when I was in medical school on a 12-year-old where the boy and his friend had found a gun and decided to play with it and play Russian roulette. [LB769]

SENATOR CHAMBERS: So you're not alone in trying to have some sanity restored. And I'm going to be a brake on the wheel of every wagon that comes through this Legislature trying to make more guns available. Because, here's the point that I was going to make, the remedy to Zika, that mosquito-borne disease, is not to breed more Zika-carrying diseases (sic). So it's insane to say that the way to stop gun violence is to put more guns in the hands of people who are going to use these guns in the wrong kind of way. And as I stated, I was not going to grill people who come up here, but since you all who are speaking now are on the same side that I'd be on, it won't seem like I'm harassing and hounding you by making my comments. But the door was open so I thought I'd tailgate on it and make a comment or two myself. And that's all I would have. [LB769]

SENATOR SEILER: Any further questions? Thank you very much, Doctor, for appearing. Further opponent. [LB769]

COURTNEY LAWTON: (Exhibits 4 and 5) Members of the committee and honorable Chair, my name is Courtney Lawton, that's C-o-u-r-t-n-e-y L-a-w-t-o-n. I'm a graduate student at the University of Nebraska-Lincoln, where I am also an instructor. Today I would like to call your attention to the data presented by the Violence Policy Center regarding homicide rates for African Americans. Local law enforcement from every state except Alabama, Florida, and Illinois provided these data for the year 2013 to the FBI and they are the most recent data available. According to the report dated March 2, 2016, in the United States, if you were a black man, you were 8 times more likely to be murdered than a white man and 22 times more likely to be murdered than a white woman. Where do guns, particularly handguns, fit into this picture? For black Americans killed with firearms, 73 percent were killed with handguns. Black people are dying at the hands not of strangers but of people they know, and half of those deaths were because of an argument or a disagreement. Nineteen states in the U.S. had rates of homicide victimization for black Americans higher than the national per capita rate. Nebraska? Nebraska ranked number four, number four for black homicide, just after Indiana, Missouri, and Michigan. The state of violence for black Nebraskans is bleak. The national per capita murder rate is 4.27 per 100,000 people. Deaths are always counted per capita, age adjusted. For black Americans, the murder rate per capita is 16.9, but for black Nebraskans it is 27.65. To put that into perspective, black Nebraskans are murdered at a rate 6.5 times higher than all Americans. It is particularly bleak when you consider numbers of gun homicides for black Nebraskans. In 2013, Nebraska saw 25 of its black citizens murdered for a homicide rate of 27.65 deaths per capita. When the relationship between the victim and the murderer could be established, 50 percent of the victims were killed by someone they knew and 43 percent of the murders involved arguments

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

Judiciary Committee  
March 03, 2016

---

between the victim and the murderer. Eighty-eight percent of those deaths were caused by guns. Black Nebraskans are disproportionately affected by homicide. For the year 2013, African Americans represented 4.9 percent of the state's population, yet accounted for 44 percent of all homicide victims. For black victims of homicide, like all victims of homicide, guns, usually handguns, are far and away the number one murder tool. Successful efforts to reduce Nebraska's black homicide toll, like America's homicide toll as a whole, must put a focus on reducing access and exposure to firearms. LB769 does nothing to reduce access and exposure to firearms, something that the statistics call for if we are to make Nebraska safe for everyone. Thank you. [LB769]

SENATOR SEILER: Ma'am, you handed out this brochure. [LB769]

COURTNEY LAWTON: I did, and that... [LB769]

SENATOR SEILER: Would you like this to be part of the record? [LB769]

COURTNEY LAWTON: Yes, I would. And that was just released this morning at 10:30 and the... [LB769]

SENATOR SEILER: It will be made part of the record. Thank you. [LB769]

COURTNEY LAWTON: Thank you so much. [LB769]

SENATOR SEILER: Questions? Senator Chambers. [LB769]

SENATOR CHAMBERS: I'm going to tailgate again. [LB769]

COURTNEY LAWTON: Thank you. [LB769]

SENATOR CHAMBERS: I don't think anybody in this state is as frustrated as I am. They will write any time I say something critical of the police, but they don't write about the letters that I've written to the FBI, to the U.S. Attorney, to the chief of police, to the superintendent of the State Patrol, to various mayors, to every law enforcement agency I can think of, the U.S. Bureau of Firearms, Alcohol and Tobacco, Tobacco...Firearms and Tobacco and Explosives. However you arrange the letters, it comes out the same. I don't get an acknowledgment. And people like to say, what are you doing about gun crime? I'm not a cop. These people are paid to do a job and they don't do it. And when kids as young as 14 can get these pistols, I don't mean put together

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

Judiciary Committee  
March 03, 2016

---

with baling wire and duct tape but the kind that cops carry, the kids know where to get them and the police don't know? The FBI doesn't know? They were just boasting a few days ago, maybe a couple of weeks, about an amphetamine bust they made, because amphetamines impact white people. And they said they have to get at the source of it. And I've said that over and over and over: When it affects white people, it's different. They think I like to see young people in my community killed, old people baby-sitting at a breakfast table? If it happened in a white community, they'd do something about it. And when the white female cop was killed, they traced the gun to a pawn shop down in Alabama. And they cannot find the source of guns in Omaha, Nebraska? And it's not the whole city. So I don't care how offended these white people are, people are dying in my community. And I'm not going to go out here and try to arrest people with guns. I went in the barbershop, this was about a year ago, and I don't have any reason to think anything is different. And there were some young guys in the shop. I said, if I got the money right now, who can get me a gun? And one of them said, Chambers, I can get you a gun quicker than you can get a candy bar. They know where they are. Cops can make snitches out of these kids to make drug busts. Then why don't they know where the guns are? They know where they are. But something that might affect white people and their thinking, now, as was pointed out, that people are terrified of gun crimes and they want these high-velocity, military-style weapons, so gun stores are stocking them up. And television showed what happened on a security camera. These guys broke out a window, hooked a chain from their truck to this iron doorway and pulled it out, and they went in, about ten of them, with armloads of high-velocity, military-style weapons, got about 50 pistols. And they said all of these will wind up on the street in crimes and even the black market where gun dealers will purchase these guns, because if you don't have a market, you're not going to do that. Well, if these guns are turned against white people, you will see something done about it. [LB769]

COURTNEY LAWTON: Uh-huh. [LB769]

SENATOR CHAMBERS: And until that happens in Omaha, nothing is going to be done about it. A white female reporter wrote a story about a video that the Omaha police were very disturbed about because it showed these young black guys, they young, teenagers and in the lower range of teenagers, rapping and with pistols. And the ones in the video said, these are not real guns, but the cops confirmed that they were real guns. Nowhere in the story did the reporter, did the editor, did the police, did those in official positions concerned about this say we need to get to the source of the guns. What they're trying to do about the Zika outbreak is find the places where mosquitoes breed. And you'll see people in protective gear with fog machines going around to do it. I can't get that response for what's happening in my community. So when these white people try to tell me something, it goes in one ear and out the other. They don't know what they're talking about. I live in the middle of it. [LB769]

COURTNEY LAWTON: Right. [LB769]

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

Judiciary Committee  
March 03, 2016

---

SENATOR CHAMBERS: I won't move out of my community. I'm going to live where the people live who have the problem. So I don't say I read about it; I know it. And I know people, by the way, who carry guns and they are cowards. There are people who, when they've got a gun, will become aggressive when ordinarily they wouldn't. They would walk on the other side of the street before they would confront somebody. Now they'll walk down a street hoping somebody will say something, and they know they can shoot somebody and not much is going to happen. So I'm glad you brought those figures. I'm not glad that they're that high, but I'm going to keep beating my head against the wall. I'll continue to raise this one continual cry, knowing that there will be no response. People will go, tsk tsk tsk. But before they would settle too much on black-on-black crime,... [LB769]

COURTNEY LAWTON: Uh-huh. [LB769]

SENATOR CHAMBERS: ...83 percent of white people are killed by white people. [LB769]

COURTNEY LAWTON: This is very true. [LB769]

SENATOR CHAMBERS: People kill the ones that they live around. They rob the ones they live around. They break into the homes of the ones they live around. So it's white-on-white crime that's not mentioned. The mobsters were whites and Jews. [LB769]

COURTNEY LAWTON: Right. [LB769]

SENATOR CHAMBERS: It was not discussed in those terms. Italian Sicilians, not discussed in those terms but somewhat. They might talk about an Irish mafia, but it's not to paint all of Irish people with that brush. So when I sit in this Legislature and show control, my colleagues couldn't do it. They can't stand to listen to words. And then some members of the committee will ask questions, trying to get information on things that might lead to the state losing federal funding. These are religious people and they're used to being authoritarian, and one of them was insulted at the fact that people ask questions. And the Governor, without having been here, I think he said he hadn't watched the hearing but said that the senators ought to be respectful. He doesn't even know what he's talking about. I have to watch that. I have to listen to it. My colleagues don't speak out against those kind of things, but I'm going to as long as I am in this Legislature. And nobody may respond but everything we say is recorded, it's transcribed, and they can't say they didn't know. They know, but they don't care. And that doesn't mean not anybody cares. Not one person on this panel could go out into any community and arrest gun dealers. If I showed them where the gun dealers are, I wouldn't even ask them to. That's not their job. It's the job of the police. They're paid to do it. They take an oath to do it and they have on their cars, protect and serve. And maybe this will get in the media. I said my ISIS are the police. I owe an apology to

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

Judiciary Committee  
March 03, 2016

---

ISIS. And do you know why? Because the ISIS will tell you, I'll cut your head off, and they'll do it. The police say on their car, protect and serve, and they don't do it. They don't do their job. And my words upset these people more than I'm supposed to be upset about the wrongs done to us by the police. And why am I concerned about the police? Because they're supposed to be the law-abiders, the upholders of the law. I expect criminals to behave like criminals so I'm always going to condemn those whose job it is to do something who don't do it more than I do those who have no responsibility whatsoever. The higher rank you hold in the military, the more responsibility is put on you. If you're the captain of a ship, you're held responsible for what happens on that ship even if you have no personal knowledge of it. It happened on your watch. It happened on your ship and you're responsible. Generals have been cashiered for things that happened that they didn't even know about, but the idea is that you could have maintained discipline in such a way that up the chain of command you'd get the word. If you didn't, you should have had an organization where you would. And since you didn't do that, you're responsible, you're out of here. And I'll tell you why I'm saying it today. These bills aren't going anywhere, but you look at the crowds that come when we're talking about guns and people want to be able to carry guns. They want to hear people say it's all right to carry guns, carry guns everywhere, at home, at school, at play, everywhere. On highways they talk about road rage, people pulling guns and shooting at each other. That doesn't bother the NRA, none of it does, because if people on the highway shoot at each other then more people on the highway need guns... [LB769]

COURTNEY LAWTON: Right. [LB769]

SENATOR CHAMBERS: ...so that you can shoot back. [LB769]

COURTNEY LAWTON: Right. [LB769]

SENATOR CHAMBERS: And that's what I have to listen to. And my colleagues would probably be better off if I would leave, but today I'm not going to leave. I will sit right here. [LB769]

COURTNEY LAWTON: Well, Senator... [LB769]

SENATOR CHAMBERS: And Bob would grab me if I tried to leave today. He didn't tell me that, but I know he's not going to let me get away anymore like I did one day. And... [LB769]

COURTNEY LAWTON: Senator Chambers,... [LB769]

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

Judiciary Committee  
March 03, 2016

---

SENATOR CHAMBERS: ...I had to do that. And, see, because I know you, you understand why I'm tailgating on what you said. [LB769]

COURTNEY LAWTON: I do. [LB769]

SENATOR CHAMBERS: So it's not like me having a perfect stranger come up here and be blindsided... [LB769]

COURTNEY LAWTON: Right. [LB769]

SENATOR CHAMBERS: ...by me saying these things. [LB769]

COURTNEY LAWTON: Right. [LB769]

SENATOR CHAMBERS: And in the same way that when those who were for the bill were up here and I didn't have much to say to them, those who testify against this bill are not going to have to listen to everything I say. My colleagues will have to hear it on various occasions, not just here but other places, but I want to say it sometimes where it's a matter of record. And these white media people, the media is of, by, and for white people. If I was talking about amphetamines, there would be a story. If I was talking about drugs that are counterfeit drugs, K2, stories all over the print media, television, and the radio. Anything that affects the white community, it's out there. [LB769]

COURTNEY LAWTON: Uh-huh. [LB769]

SENATOR CHAMBERS: We don't count. That's why you have the organization saying Black Lives Matter. Then, when people like Trump and these other white racists want to say all lives matter, they don't get the point at all. [LB769]

COURTNEY LAWTON: Yeah. [LB769]

SENATOR CHAMBERS: But I'm going to let them listen to me on occasion because I have to listen to them all the time, day after day, week after week, month after month, year after year, decade after decade. And should I live four score and seven years, I will have heard it four score and seven years even though in the first seven I may not have understood the significance of everything I'd heard. But I'm going on 79 years now. There are some statistics that say that the lifespan of the average American now is 74 years. I'm living on borrowed time based on that.

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

Judiciary Committee  
March 03, 2016

---

The "Bible" says the days of a man's life, years, four score, three score and ten--70 years. I'm living on borrowed time two times over. But because of my concern for the felines, and I love felines and they have nine lives, I have developed such a connection with them that I'm going to be allowed to break the standard which men are supposed to live according to nine times. But when I reach that eighth one, I'm going to show more wisdom than a cat and I'll be around here forever. And now I'm through. [LB769]

COURTNEY LAWTON: If I could... [LB769]

SENATOR SEILER: Senator, you better keep going because I'm going to come another year closer to you next week. [LB769]

SENATOR CHAMBERS: Oh, please. [LB769]

SENATOR SEILER: Okay. Any further questions? Senator Ebke. [LB769]

SENATOR EBKE: I just have one quick one. First of all, thank you, Ms. Lawton, for being here and thank you for your very kind tweets during the LB289 debate. My question would be this. We've heard a lot about gun violence today and you gave us an interesting report on gun violence that I'll look forward to looking at. This particular...now let me just stipulate, I don't think any of us here likes gun violence, whether we...so draw the connection between a concealed handgun permitholder who has been...received at least some training and who has gone through the background checks and where they might or might not carry, which is what this bill deals with, and the gun violence. What's the connection there? [LB769]

COURTNEY LAWTON: The connection is the proliferation of firearms in our communities. [LB769]

SENATOR EBKE: So your problem is just guns. [LB769]

COURTNEY LAWTON: My problem is proliferation of firearms in communities. And I think that kind of going behind and running in the background of this bill is a pernicious amount of racism that says that white women, in particular, need to be protected from predatory men, in particular black men. And if you've seen some of the Internet forums that I've seen, some of these concealed handgun permitholders relish the idea of being able to go into north Omaha and, quote, kill some thugs. And I've seen this. I've seen these on Internet forum and they're here in Nebraska. And I'm not going to lie about that. I have no reason to lie about that. One of the things that we need to be aware of is that the firearm industry has a vested interest in the

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

Judiciary Committee  
March 03, 2016

---

proliferation of guns in our community. That's how they make their money. They have an industry advocate here. A gun industry, gun manufacturers are here advocating for this bill. The reason that they are here advocating for this bill is to sell more firearms. If you have more firearms, you are going to have more firearm violence. That's simply...I mean it's one of those things where sometimes you say in statistics, oh, correlation does not imply causation. In this case, I think you can safely say that if there are more firearms in a community, there is going to be more firearm violence despite the fact that "John Law" is more than happy to trot out this tired and thread-bare adage that an armed society is a polite society. Tell that to the little girl sitting at her breakfast table, shot. Tell that to "Q," who was shot through the neck and who will never be able to eat again or speak again. And the firearm industry has a vested interest in terrifying people into having guns, and this bill is designed to do that. And if you can't see that, I'm so sorry. I mean I don't mean to be disrespectful, but I really...I think it's perfectly transparent. [LB769]

SENATOR EBKE: Thank you. [LB769]

COURTNEY LAWTON: Thank you. [LB769]

SENATOR SEILER: Any further questions? Thank you very much for your testimony. [LB769]

COURTNEY LAWTON: Thank you. [LB769]

SENATOR SEILER: Next proponent...or opponent. Excuse me. [LB769]

TENEDDA CAMPANA: Thank you, Chairman Seiler and members of the Judiciary Committee, for allowing me to testify on this important issue. My name is Tenedda, it's T-e-n-e-d-d-a, Campana, C-a-m-p-a-n-a. I'm from Denton, Nebraska. I'm speaking to you as a mother of a grown son and two grandchildren who are in the Nebraska school system, one in high school, soon to enter college, and the other in her freshman year of college. I'm urging you to vote no on LB769, a bill which compromises the safety of my community and my family. As a mom and a grandmother, my number one priority is the safety of my family. I do not want my children, my grandchildren dropped off at school and then worry who's going to walk on to campus with a loaded, hidden handgun. I have previously worked in the emergency room at Lutheran Medical Center in Wheat Ridge, Colorado, and the emergency room at St. John's Hospital in Yonkers, New York. I've seen the damage that guns can cause on the body of victims and also the families of these victims. I've worked at the 911 Center here in Lincoln and I know firsthand the calls that come into the center on game day and the calls that come in from people who have been drinking and in a low state of depression. We have common-sense checks and balances for a reason. Why would we want to remove them and compromise the safety of our families? More guns in

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

Judiciary Committee  
March 03, 2016

---

schools, colleges, and bars will not keep Nebraska safe. I urge you to think about the safety of your children, my children, and the community as a whole, and vote no on LB769. Thank you. [LB769]

SENATOR SEILER: Questions? Thank you for coming and having your testimony. [LB769]

RODNEY CUPP: (Exhibit 6) Hello. My name is Rodney Cupp, R-o-d-n-e-y C-u-p-p. I'm just going to read this. Last year, Noah Harpham shot three people to death in Colorado Springs. Before his killing spree began, Naomi Bettis saw him roaming outside with a rifle and called 911. The dispatcher told her that Colorado has an open carry law that allows public handling of firearms. Police did not respond until the shooting had already begun. According to the police department there, a call for service was built for officers to respond, but it wasn't the highest priority call for service. Had there not been an open carry law in Colorado, police might have responded sooner and the shooter's victims would be alive today. This is the kind of scenario we must contemplate when we consider LB769. I'm a professor at Wayne State College. I'm not here to represent the college. I don't represent the college. I'm here as a concerned Nebraskan only. But I can tell you our faculty senate, which includes some Republicans, opposes any legislation that would curtail the ability of college authorities to restrict the carrying of firearms on campus. Now why would that be? Well, how would you like to be confronted by an angry, emotionally immature, stressed out, hung-over, grade-grubbing student with a gun in your classroom or office? How could that end well? I would prefer that the police confront the student before I am shot dead. But surely, you might say, a good guy with a gun will save you. Good guys did not respond at Umpqua Community College in Roseburg, Oregon, last year because they did not want to become targets for police. And defensive gun uses have been radically overestimated by the gun lobby and good guys are not trained to respond to such situations. I don't want them accidentally shooting innocent bystanders. LB769 means more guns, and more guns means more crime. That is what the recent research shows. If LB769 makes it out of this committee and becomes law, people will die. You can save the lives of Nebraskans by saying no to the gun lobby and killing this insane NRA bill. And I just want to note that listening to Senator Garrett's justification of this bill, it's incoherent. On the one hand, he says that LB769 is justified by the Second Amendment, which should allow open...I mean the carrying of guns everywhere. But on the other hand he's saying institutions should be able to decide for themselves whether to allow it or not. That's incoherent. Thank you. [LB769]

SENATOR SEILER: Senator Krist. [LB769]

SENATOR KRIST: You know, all of you are capable of coming up here and saying anything you want to say, but that doesn't necessarily mean I have to agree with it. [LB769]

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

Judiciary Committee  
March 03, 2016

---

RODNEY CUPP: Right. [LB769]

SENATOR KRIST: Occasionally, I won't say anything because Senator Chambers says most of it or because the time is ticking by. But what I do find a little offensive about your testimony is, even "Republicans." Wow! Are you telling me, as a Republican, that I am a gun-loving, gun-toting anarchist? [LB769]

RODNEY CUPP: No. No, no, no, no. [LB769]

SENATOR KRIST: Okay. That's all I wanted to say. Thank you. [LB769]

RODNEY CUPP: No, no, no. [LB769]

SENATOR KRIST: Thank you. I appreciate it. [LB769]

SENATOR CHAMBERS: See, but he is. (Laugh) [LB769]

RODNEY CUPP: No, but I do, if I could respond. [LB769]

SENATOR KRIST: I am not. [LB769]

SENATOR CHAMBERS: Oh, okay. (Laughter) [LB769]

RODNEY CUPP: If I could respond, I think that...I think it's probably true that Republicans tend to... [LB769]

SENATOR KRIST: You stereotype, Professor. You stereotype. [LB769]

RODNEY CUPP: Well, well, I... [LB769]

SENATOR KRIST: Why don't we stop while we're ahead, the stereotyping... [LB769]

SENATOR WILLIAMS: Good idea. [LB769]

SENATOR KRIST: ...because I really believe that at this point you just...you don't want to poke the bear. We learned that by not poking Senator Chambers. [LB769]

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

Judiciary Committee  
March 03, 2016

---

RODNEY CUPP: I'll stop. [LB769]

SENATOR KRIST: Thank you very much. [LB769]

SENATOR SEILER: Professor, I have a real dilemma that's just popped up in the last few months and few years. How is George Soros a right-winger, because he now controls most of the guns made in the United States? How do you square with saying that the right-wingers are doing this, the right-wingers are doing that, and the guns are being made by the biggest left-winger in the whole damn country? [LB769]

RODNEY CUPP: I... [LB769]

SENATOR SEILER: Can't tell me, can you? [LB769]

RODNEY CUPP: No. I'm just here to speak... [LB769]

SENATOR SEILER: I can't figure it out either. [LB769]

RODNEY CUPP: ...in opposition to LB769. That's all I'm here to do. [LB769]

SENATOR SEILER: I mean I can't figure out that terminology either and I'm a graduate of Wayne State. [LB769]

RODNEY CUPP: Oh really? Great. [LB769]

SENATOR SEILER: Thank you, Professor. Any other questions? [LB769]

SENATOR KRIST: Not that I want to ask. [LB769]

SENATOR SEILER: Thank you. [LB769]

RODNEY CUPP: Thank you. [LB769]

SENATOR SEILER: Next. [LB769]

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

Judiciary Committee  
March 03, 2016

---

KARLA COOPER: Think it's time for a sermon, and I have one. My name is Karla Cooper, K-a-r-l-a C-o-o-p-e-r. I'm the pastor of Quinn Chapel African Methodist Episcopal Church. And for the record, it was Emanuel African Methodist Episcopal Church, not Emanuel Methodist Episcopal Church in Charleston, South Carolina. Ever since I took driver's education as a sophomore in high school, I never could really understand what was the purpose of this gear that was nestled between drive and reverse, and that gear is the neutral gear. Dr. King quoted Dante and this quote is: The hottest places in hell are reserved for those who in times of moral crisis maintain their neutrality. I'm amazed at now how we have a generation who has come of age from the love of a purple dinosaur named Barney who tried his best to teach diversity and love as best he could, but yet this same generation now are children of children who had to hear the rat-a-tat, boom, boom, bang, bang, bang from Columbine to Jonesboro to Paducah, who are now also hearing the ramifications in academia and even in sacred spaces such as church. And to think that LB769 would eliminate gun-free zones, I am simply amazed by this irrational thinking. And I must admit, I am pretty simple-minded, but one of the realities that I know for sure is that our neighborhoods are eroding as badly as our riverbanks and beachfront properties. American streets are hot from the steam bloodstains that boil upon pavements in cities and rural towns and in our urban areas, leaving behind an oil spill of human blood worse than anything that BP could have ever done. No longer are the sounds of nature prevalent. The melodious bird songs only orchestrated overtures of the gunfire symphony, and every day teenagers and young adults dance to this unfortunate syncopation as victims of homicide, lest we forget suicide as well. Today our black boys, as was stated earlier, are holding in their hands triggers to kill other little black boys, the duality of homicide coupled with incarceration is killing so loudly. Will anybody ever listen to the screams? Black males between the ages of 15 and 30 will become as extinct as dinosaurs if we're not careful. And now, because of resting in this idle gear of neutrality in this country, where there are more than 300,000 churches, where we're supposed to uphold this thou shall not kill mentality in this country, guns are as common as Big Macs. And folks are convinced, have convinced themselves that they have this right to have a gun. Why? What are we really called? What are we really afraid of? What will a gun really do other than to remind us that I'm going to kill you, but if you love me, I'll love you back? Unfortunately, if you shoot me and I don't die, I will probably shoot you back. This is ludicrous at best. We have to move out of this idle gear of neutrality and operate with this compassion. And I urge each one of you honorable public servants to vote no. Let your heart, let your soul be your guide. [LB769]

SENATOR SEILER: Just a second. You don't get off that easy. Senator Chambers has some questions. [LB769]

SENATOR CHAMBERS: Pastor, you'll be familiar with this, but you're not going to like me saying it this way. Almost but not quite you persuade me to come to your church. (Laughter) [LB769]

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

Judiciary Committee  
March 03, 2016

---

KARLA COOPER: Almost persuaded, now to believe. [LB769]

SENATOR CHAMBERS: That's all I have. [LB769]

SENATOR SEILER: Keep working on him. [LB769]

KARLA COOPER: Okay. I'll do that. Yeah. [LB769]

SENATOR SEILER: Any further questions? Thank you very much for your testimony. Please. [LB769]

BILL RITTER: (Exhibit 7) Thank you for allowing me to testify today. I'm...my name is Reverend Bill Ritter. I'm the Blue River District superintendent of the United Methodist Church of the Great Plains annual conference, which is made up of 1,041 churches of Nebraska and Kansas. And for each of you senators, I know we have numerous churches in each of your districts, unless you're in Arthur County. We don't have a church there. Since this bill before us has an impact on churches, I thought I'd like to bring to you the official position of the United Methodist Church as recorded in the United Methodist Book of Resolutions. The one that you have before you comes from the 2000 United Methodist Book of Resolutions. It was affirmed again in 2004, 2008, 2012. It will be on the agenda for our annual meeting in Portland, Oregon, in May of 2016. I would like to draw your attention to item number 11. It says, "reflecting the traditional role of the United Methodist Church that has been one of safety and sanctuary, every United Methodist Church is officially declared a weapon-free zone." This is the attitude of the general church. I'd like you to know that a little more locally how this was dealt with. In 2014 was the last time that we voted on it in Great Plains. And as we sent this petition on to be considered at the 2016 general conference, the vote in the churches of the Great Plains was 2 to 1 in favor of the petition which you see before you. Thank you. [LB769]

SENATOR SEILER: Would you like this document to be made part of the record? [LB769]

BILL RITTER: Yes, I would, sir. Thank you. [LB769]

SENATOR SEILER: It will be so received. Any further questions? Senator. [LB769]

SENATOR CHAMBERS: In the interest of balance, what was the name of that county where they don't have any churches. [LB769]

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

Judiciary Committee  
March 03, 2016

---

BILL RITTER: Arthur County. [LB769]

SENATOR CHAMBERS: Thank you. [LB769]

BILL RITTER: We do not have any United Methodist Churches in Arthur. [LB769]

SENATOR SEILER: They've got churches, but not United Methodist. [LB769]

BILL RITTER: We don't have any United Methodist Church in Arthur. [LB769]

SENATOR CHAMBERS: Oh. [LB769]

BILL RITTER: I'm sorry, just no United Methodist Churches there. [LB769]

SENATOR SEILER: Senator Krist. [LB769]

SENATOR KRIST: I was going to say he was going to move there but now you've ruined it for him because you said there isn't. (Laughter) And I'll bet you've got a few Republicans who are Methodists, don't you? [LB769]

BILL RITTER: I'm sure we do, sir. [LB769]

SENATOR KRIST: Thank you. I appreciate that. (Laughter) [LB769]

SENATOR SEILER: Any further questions? [LB769]

BILL RITTER: And you're welcome in my church anytime, though I no longer serve an individual church. But I've been a pastor in Shickley, Elkhorn, north Omaha, and Columbus prior to being a district superintendent. [LB769]

SENATOR CHAMBERS: Thank you. [LB769]

SENATOR SEILER: Ma'am, I believe you...this lady has come up about three times and got shut out. Come ahead. [LB769]

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

Judiciary Committee  
March 03, 2016

---

BELINDA ACOSTA: My name is Belinda Acosta, A-c-o-s-t-a. I was born and raised here in Lincoln, Nebraska. Currently, I'm a Ph.D. student in the Department of English at UNL, where I teach writing and other courses to undergraduates. There are two ideas that I take into the classroom: first, advice to students that they should be challenged. If they're not being challenged at least once in their university career, something is wrong. The second is a reminder for myself when a student is being particularly challenging to me: That student is someone's baby. Being challenged is a big part of learning and coming into a university setting can be stressful even for seasoned students. But challenging students on their beliefs, their view of the world, their assumptions, the very things they hold true is an essential element to creating critically thinking adults. I also tell my students I don't expect them to change their world view. Some do; many don't. What they do change, I hope, is their ability to clearly and fairly articulate their views and to be open to others. None of this comes easily. Emotions can run high because challenges can be seen as a threat. And I'm not just talking about challenging personal values. I'm also talking about approaches to work. I've been yelled at by students who did not understand the value of revising their paper, for example, something those of us who study and teach writing take for granted. And students challenge each other in the classroom. Many can feel uncomfortable when working with a person from a new background or a culture foreign to them. I've witnessed the level of anger, frustration, and, yes, at times, disrespect all people show when they misinterpret being challenged for being threatened. It's my job to show the difference, to call out disrespect and try to get students to a place of listening and learning while being challenged. Emotions run high. They should. And all of us take missteps. The easy out is to settle a dispute once and for all in the fastest way possible. This is why the idea of allowing guns in the classroom strikes me as horribly shortsighted. I understand that the idea is to provide protection should an intruder enter the classroom. But, no, it actually has the opposite effect to allow someone to act under the heat of anger, fear, or frustration. If guns are allowed in school settings at any level, I can guarantee that many educators, including myself, will seek employment outside the classroom and possibly outside of the state. No educator or student anywhere should have to pack heat alongside our books, pens, and computers just in case. Thank you. [LB769]

SENATOR SEILER: Thank you. Any questions? Thank you very much for your testimony. Next. [LB769]

RACHEL MULCAHY: (Exhibit 8) My name is Rachel Mulcahy. That's R-a-c-h-e-l, Mulcahy, M-u-l-c-a-h-y. I'm going to talk to you a little bit about a different kind of trauma. My name is Rachel Mulcahy and I'm a licensed alcohol and drug counselor, managing partner and principal shareholder of Associates in Counseling and Treatment, a behavioral health private practice group serving people with substance use and mental health problems. I am here to raise concern about the impact of LB769 on trauma victims and the ability of behavioral health counselors to provide an emotionally safe milieu in which to serve them. Should this become law, it would exacerbate trauma issues for up to over 200,000 Nebraskans. It would place a barrier in our

ability to provide trauma-informed care in compliance with the expectation of state regulations. It would add financial cost for additional treatment resulting from increased exposure to trauma triggers. If LB769 should become law it poses a serious challenge to people who have suffered trauma, especially from events involving physical or emotional aggression, torture, or the violence of war. The sight of a gun can trigger memories of the trauma event, loss of sense of emotional or physical safety, and uncontrolled anxiety. The guns become trauma triggers. Probably...problems with concentration, attacks...panic attacks, emotional outbursts, and other symptoms increase in response to the trigger. The National Council for Trauma Informed Care projected 51 percent of the adult population and 98 percent of people who are served in the behavioral health treatment system have experienced significant trauma. At least 40 percent of the people receiving Nebraska state funded behavioral health services have identified trauma issues on admission. The actual number is probably much higher. As a business owner, I was advised by one attorney that "no guns" signage, which is the only protection private and public places will have post-LB769, won't be sufficient for businesses desiring to be gun free to actually do so. This is particularly a problem for ACT and other behavioral health providers. We are expected, under State Regulation 206, to provide trauma-informed care, meaning an emotionally safe environment for healing and avoiding retraumatization. National accreditation of our program is tied to this principle. Our professional codes of ethics require no less, and LB769 is in contradiction to those standards. Increased trauma symptoms in the public means increased burden on behavioral health services and emergency services, ultimately resulting in increased cost to state agencies and taxpayers. Some seem to believe this bill will increase a sense of safety among Nebraska's citizens. [LB769]

SENATOR SEILER: You may go ahead and finish. [LB769]

RACHEL MULCAHY: May I finish? I'm sorry. [LB769]

SENATOR EBKE: Yes. [LB769]

SENATOR PANSING BROOKS: He said go ahead. [LB769]

RACHEL MULCAHY: Finish? [LB769]

SENATOR SEILER: You can go ahead. [LB769]

RACHEL MULCAHY: Okay. I only had a couple of sentences. [LB769]

SENATOR SEILER: Yeah. [LB769]

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

Judiciary Committee  
March 03, 2016

---

RACHEL MULCAHY: But imagine if it will affect...how it will affect trauma victims, whether domestic, criminal, or from the ravages of war. Imagine how it affects the wife whose husband threatened to shoot her, the veteran who saw his buddy shot, or the Sudanese refugee who saw his family gunned down. They live in Nebraska and have a right to be protected by the laws of the state. LB769 will erode that right. [LB769]

SENATOR SEILER: Questions? Senator Ebke. [LB769]

SENATOR EBKE: Thank you. I just have, under your point two,... [LB769]

RACHEL MULCAHY: Yes. [LB769]

SENATOR EBKE: ...that you currently have "no guns" signage? [LB769]

RACHEL MULCAHY: We have gun signage. [LB769]

SENATOR EBKE: Okay. So how does this change...how would LB769 change (inaudible)? [LB769]

RACHEL MULCAHY: My understanding is that the power of that "no guns" signage is lost with this bill, that it becomes a trespass. I can tell someone, when they walk in the door, you have to take the gun outside or I'll have to call the police, and it's up to them to leave. And if it's not me, the owner, rather another coworker may not have that power to even request that they leave. That is the understanding of what I have. [LB769]

SENATOR EBKE: Maybe I'll have to clarify that with counsel, because it seems to me that if currently "no guns" signage is sufficient, then after "no guns" signage should be sufficient. [LB769]

RACHEL MULCAHY: I believe it has more power now than it will post-LB769. [LB769]

SENATOR EBKE: Well, we'll check that out. [LB769]

RACHEL MULCAHY: Please check into that. [LB769]

SENATOR EBKE: Thank you. [LB769]

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

Judiciary Committee  
March 03, 2016

---

RACHEL MULCAHY: Certainly I don't want them in the building because it's going to cause emotional trauma for people I'm serving. [LB769]

SENATOR SEILER: Further questions? Thank you for your testimony. Next. [LB769]

APRIL JORGENSEN: (Exhibit 9) Hello. My name is April Jorgensen, A-p-r-i-l J-o-r-g-e-n-s-e-n, and I am speaking on behalf of the Nebraska State Education Association in opposition to this bill. As a classroom teacher in Lincoln, I think you should know that these proposals go against the will of the majority and would unequivocally put teachers, children, and families at risk. This law would take a black-and-white law--zero firearms on school grounds--and would make it a gray area. It is these gray areas of the law that put teachers and children at risk. By allowing firearms onto school property, our state would hamstring a teacher's ability to keep our students safe from deadly accidents, would open up access to firearms in the school setting, and would open our doors to emotionally unstable or intimidating adults who could be carrying a weapon. Parents know and expect that schools are some of the safest places in the country and to proudly remain so. CDC reports that less than 1 percent of child homicides occur either on school grounds or on the way to school, even though far more than 1 percent of students' time is spent there. Why are schools so safe? At least 38 states ban firearms on school grounds, and such policies enjoy massive support. According to the Harvard School of Public Health, 94 percent of Americans feel less safe when fellow citizens carry their guns in public places, and overwhelmingly the public believes that in many venues gun carrying should be prohibited. In addition, LB769 places another undue burden upon our schools. To combat the gray area this law creates, every district would have to determine and post policies at every entrance on every building, almost certainly incurring administrative time and expense as well as legal fees. Finally, there can be no confusion about gun laws on this campus or that campus, and no possible risk of deadly confrontations if we are to continue to do our work. Imagine an angry parent or visitor--a reality in our schools--carrying a weapon, thanks to LB769. Do we wish to curtail our ability to have important conversations with families because we have to worry about whether they're carrying a weapon should things escalate? Alternately, what if there is an all-too-common accidental discharge? In closing, let me be clear there is no place for citizens to carry such dangerous tools within our school walls. We legislate that students must be in school and then we legislate that anyone with our state's minimal permit training can bring guns into their presence? Nebraska students and teachers do not need guns in their schools. Thank you. [LB769]

SENATOR SEILER: Senator Krist. [LB769]

SENATOR KRIST: Thanks for coming. Just to clarify, are you a lobbyist with NSEA or are you a teacher who's... [LB769]

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

Judiciary Committee  
March 03, 2016

---

APRIL JORGENSEN: I am a teacher who has asked to speak on behalf of the Education Association. [LB769]

SENATOR KRIST: Good for you. Thank you. [LB769]

APRIL JORGENSEN: Thank you. [LB769]

SENATOR KRIST: Thanks for coming. [LB769]

APRIL JORGENSEN: Thank you. [LB769]

SENATOR SEILER: Any further questions? Thank you very much for your testimony. [LB769]

APRIL JORGENSEN: Thank you. [LB769]

SENATOR SEILER: Next. [LB769]

JOHN BENDER: (Exhibit 10) My name is John Bender, J-o-h-n B-e-n-d-e-r. I'm president of the UNL faculty senate. In December, the faculty senate voted 45 to 2 to oppose any changes to existing regulations on state law regarding guns on campus. This is not a result of antigun ideology. Rather, we believe that college and university campuses are not appropriate places for firearms, and other witnesses have testified to that. It interferes with the atmosphere that we try to develop in a university. Another reason that we oppose this is the pressure that we think that this would bring to the Board of Regents. Currently, there are two barriers to allowing firearms on the UNL campus. One is the barrier that...of state law which LB769 would change. The other is the policy set by the Board of Regents. While LB769 would not change the Regents' policy, it would remove the barrier that exists in state law and that could be important when members of the Board of Regents come up for election. The Regents are elected to set policy for and oversee the operation of the University of Nebraska and its four campuses. The Regents' job is a big one. It requires their attention to matters of financing and managing the construction and maintenance of the many facilities owned by the university. It requires them to set the operating budgets for the campuses and to set tuition rates. It requires them to oversee the many academic programs operated by the four campuses, including the extension and outreach programs that affect all Nebraskans. If LB769 were to pass, the question of whether firearms would be allowed on university campuses inevitably would become an issue in every election campaign for every Regent. Candidates for seats on the board would have to devote their time to defending their views, whatever they might be, on this issue. That would divert their attention and the attention of voters from the issues that are central to the success and welfare of the university, and guns on

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

Judiciary Committee  
March 03, 2016

---

campus could become a defining issue. That should not be the issue, we think, that determines who does and does not sit on the Board of Regents. But I and most of the faculty at UNL fear that it would be if LB769 were to become law. [LB769]

SENATOR SEILER: Dr. Bender, you have two attachments to your... [LB769]

JOHN BENDER: Yes. [LB769]

SENATOR SEILER: ...testimony. Would you like those to be made part of the record? [LB769]

JOHN BENDER: Yes, please. [LB769]

SENATOR SEILER: They so will be received. Questions? Senator Coash. [LB769]

SENATOR COASH: Thank you, Senator Seiler. Doctor, could the Regents make this call? In other words, procedurally, can the Regents change the gun policy on the UNL campuses? [LB769]

JOHN BENDER: Not under current law. The law prohibits carrying concealed weapons on university and college campuses. [LB769]

SENATOR COASH: Okay. So the change would have to be made here. [LB769]

JOHN BENDER: That's my understanding. [LB769]

SENATOR COASH: But if we... [LB769]

JOHN BENDER: The change would have to be made here first. [LB769]

SENATOR COASH: ...if the law were...if that part of the law were removed, could the Regents still, by policy, restrict it on campus, restrict firearms on campus? [LB769]

JOHN BENDER: If...you mean if the... [LB769]

SENATOR COASH: If this bill became law and it was no longer prohibited on university campuses, could the Regents instate it as a matter of policy? [LB769]

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

Judiciary Committee  
March 03, 2016

---

JOHN BENDER: Yes. It's my understanding that LB769 would allow the Regents to change policy not to allow concealed carry weapons on campus, yes. [LB769]

SENATOR COASH: Okay. Thank you. [LB769]

SENATOR SEILER: Further questions? Senator Krist. [LB769]

SENATOR KRIST: So it's almost worth passing just to put them on the hot seat, huh? (Laughter) I'm kidding. [LB769]

JOHN BENDER: I wouldn't say that, no. (Laugh) [LB769]

SENATOR KRIST: No, I'm kidding. That would be an election issue every time, there's no question. [LB769]

JOHN BENDER: I fear it would be, yes. [LB769]

SENATOR KRIST: Yeah. Thank you. [LB769]

SENATOR SEILER: Any further questions? Thank you, Doctor, for coming. Next. [LB769]

GRETCHEN WOODS: (Exhibit 11) Thank you for the privilege and the honor to speak to you today. I am the Reverend Dr. Gretchen Woods. Senator Krist, I was raised a hunter and a Republican. [LB769]

SENATOR KRIST: Good. I like you. (Laughter) [LB769]

GRETCHEN WOODS: I currently serve as interim minister for the Unitarian Church of Lincoln, Nebraska. I appear before you today to oppose LB769, the "Guns Everywhere Act." While I oppose the reworking of current law in its entirety, I am especially concerned with the moral implications of the portion of the law which guts the protection of our sacred institutions that often serve the most vulnerable of our people--our churches, our schools, our hospitals, to mention but a few on the list within the bill. This makes it impossible for the proper authorities to act before something terrible has already happened in any of these places. It's my understanding that the police could not stop someone until they started to shoot. The whole ethical concept of sanctuary, the moral and ethical concept of sanctuary is at stake here. The understanding that there must be places where we may serve and protect those who are in

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

Judiciary Committee  
March 03, 2016

---

difficulty, unhindered by the intrusion of those who claim authority beyond that of the state is unacceptable. Without those currently designated in the law, there is no safe haven for those who need protection. I am particularly aware of the problems with such alterations in the existing law because the head usher of one of our churches was literally blown to bits when he walked into a shotgun, trying to escort out an armed man who had entered the church during a service being presented by the children of the church. We should not allow our civil laws to decimate our moral laws. This reworking of the current law is morally indefensible and unconscionable. Thank you. [LB769]

SENATOR SEILER: Questions? Thank you, Reverend, for appearing. Next witness. [LB769]

RONALD MEYER: (Exhibit 12) Thank you, Chairman Seiler and members of the committee. My name is Ron Meyer, R-o-n M-e-y-e-r. I am a former Vietnam combat veteran. I'm a member of Nebraskans for Peace and also Veterans for Peace, and I speak in opposition to LB769. We are living in a time when many people live in fear. We fear people who are different from us. Fearful people often act out in angry and violent ways. I have experienced life in a combat zone where most everyone carried weapons. Many others and I were taught and trained to fear others because they were Communists or were perceived to be a threat to our way of life. And what was the result of all this fear and perceived threats? Millions of people lost their lives. Many more were scarred and wounded. And then we all went home. And in the process of learning to fear and hate and kill other human beings, we lost part of our own humanity. Those people we were taught to hate and kill and to fear rebuilt their lives under the very system we were told to hate. The fears we were based...the fears were based upon lies and resulted in so much waste and carnage. The way to overcome this fear of the other is to dialogue with those we fear and begin to understand each other. And much of the fear in our world comes from people living in hunger, poverty, racism, lack of education and healthcare and meaningful work. Permitting more guns in more places will only make our world and state more fearful and creates the environment that facilitates more gun violence. Killing other human beings never makes us more human how ever we may justify that killing. Additionally, I served on a local school board for ten years. Several times we had to make controversial decisions that brought many patrons to the meetings with heated discussions and emotions. Allowing weapons in such an environment is bordering on insanity. For schools to opt out of the provisions of this proposed legislation would be a costly nightmare. As a lifelong Nebraskan, I would like to think we are better people than what this proposed legislation perceives us to be. I urge you not to allow this bill out of this committee. Thank you. [LB769]

SENATOR SEILER: Questions? Thank you for your testimony and thank you for your service. Next opponent. [LB769]

Judiciary Committee  
March 03, 2016

---

KELLY STAGE: (Exhibit 13) Thank you to the committee for allowing me to speak today, and Senator Seiler for overhearing this...overseeing this meeting. My name is Kelly Stage, K-e-l-l-y S-t-a-g-e. I'm a professor at the University of Nebraska in Lincoln. That's part of why I'm here today in opposition to LB769. I am deeply troubled by the notion of allowing guns on campus. A recent large study of 15 public Midwestern universities showed that a large majority of students did not support concealed carry on campuses, and the majority of students responded that they would not feel safe if faculty, students, and visitors carried concealed handguns on campus. I think this is reason enough for us to pause and question the basic validity of this proposal, but beyond these numbers I want to focus on an issue for campus carry that may not be as obvious, although it should be as threats of guns in the classroom or violations of academic freedom that they would pose. I want to talk about sexual assault and coercion, and I want to repeat what psychologist and professor Marjorie Sanfilippo of Eckerd College in Florida said testifying against a similar bill last year. Quote: Proponents will tell you that allowing concealed carry will protect female students from sexual assault. I will point out the obvious: You'll be arming the assailants too, unquote. I will add that of those surveyed in the study I mentioned above, a large majority of students also said they would not seek a concealed carry permit if allowed to do so and carry guns on campus. Those who did favor it were not plucky young women looking to defend themselves. The profile of those who favored such measures correlated highly with being male, already owning at least one firearm, and with having been binge-drinking in the last 30 days. Guns are used far more often to intimidate and coerce people than they are used in self-defense. In general, data shows that guns are also more often used to threaten and intimidate those in the home, rather than in self-defense, in domestic violence cases. As in the general public, guns on campus are less likely to protect and more likely to escalate problems. Moreover, guns are the wrong answer to the problem of campus violence and sexual assault. What do we need? A change in culture to prevent rape and assault situations, and a commitment to prosecute and hold accountable the perpetrators of sexual crimes on campuses. Telling young women that the way to avoid rape is to carry a gun is an attitude that accepts that men are unable to control themselves and that there is no point in trying to change the way that violence against women and sexual crimes are viewed. Sexual assaults on campus are largely not the product of random attacks by strangers, although these are the assaults that make headlines. The National Center for Victims of Crime states that survivors of sexual assault are four times more likely to know their attacker than to be attacked by a stranger. Sexual assault events often begin with consensual activities and escalate to nonconsensual attacks. There is no place for a concealed handgun in such scenarios. As John D. Foubert, Oklahoma State University professor and antisexual assault educator, has stated, arguing for campus carry to prevent sexual assault, quote, reflects a misunderstanding of sexual assaults in general, unquote. Moreover, victims of sexual assault are often not able to respond in a manner that the protection line of thought requires: even if one had a gun at the ready, research suggests that up to 50 percent of rape victims experience "tonic immobility" during the assault, meaning they are physically unable to fight back. Data from campus carry states Utah and Colorado have shown that guns on campus have done little to make

campuses safer. In fact, on these campuses incidents of forcible rape have increased in recent years. That does not show that guns are absolutely involved in these incidents but they certainly aren't stopping them. Thank you. [LB769]

SENATOR SEILER: Questions? Thank you very much for your testimony. Next. [LB769]

NICHOLAS DEVINE: (Exhibit 14) Senator Seiler, members of the Judiciary Committee, good afternoon. I'll try to be brief. My name is Nick Devine, for the record, D-e-v-i-n-e, and I'm a student at the University of Nebraska-Lincoln. I'm here to speak on behalf of the Association of Students of University of Nebraska and our student body as a whole in opposition to LB769. We've already talked today about the opposition and fear faculty and students across our nation experience with the idea of having more guns on campus, and Dr. Bender has already talked about why we are not waiting till the Board of Regents gets to make this decision instead. I would just like to add real quick that when voting in our student government about whether or not to oppose this bill, one of the most common arguments was that people would actually be more concerned not knowing who around them could be carrying a gun. A similar problem is how to properly store weapons when not being carried. Any responsible gun owner will tell you an unsecured weapon is incredibly dangerous. And from my time in the dorms at UNL and in a fraternity house as well, I can think of absolutely no way of securing a gun in my room to make sure that no one could get to it. And this leads into a huge problem with mental health. A survey conducted at UNL in 2014 found that 5 percent of our respondents considered committing suicide and about .5 percent actually tried to. Luckily, in 2014 nobody actually did. But according to a Harvard study done in 2007, we know that when it is easier to access guns, suicide rates increase. And this is a real worry on our campus. We have the numbers and we know that people have tried to kill themselves. What if the roommate of one of these potential suicide victims had failed to properly secure their handgun? That's all I have. Thank you for your time. [LB769]

SENATOR SEILER: Senator Coash. [LB769]

SENATOR COASH: Thank you, Senator Seiler. Mr. Devine, are you part of ASUN? [LB769]

NICHOLAS DEVINE: I am. [LB769]

SENATOR COASH: Okay. How many representatives are there on the ASUN? [LB769]

NICHOLAS DEVINE: I want to say about 39. [LB769]

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

Judiciary Committee  
March 03, 2016

---

SENATOR COASH: There's about 39 of you? [LB769]

NICHOLAS DEVINE: Uh-huh. [LB769]

SENATOR COASH: When ASUN was discussing LB769, did the student body...did they take a vote on whether to support or oppose this bill? [LB769]

NICHOLAS DEVINE: Uh-huh. Yes. And I can get that to you if you would like. [LB769]

SENATOR COASH: I just was curious if it was unanimous. [LB769]

NICHOLAS DEVINE: It was not unanimous. We had about 9 dissenting. [LB769]

SENATOR COASH: Okay. You don't have to get anything. I was just curious. Thank you. [LB769]

SENATOR SEILER: Further questions? Thank you very much for your testimony. Next. [LB769]

DANIELLE SAVINGTON: Chairman Seiler, Senators, thank you for having me today. My name is Danielle Savington, that's D-a-n-i-e-l-l-e S-a-v-i-n-g-t-o-n. I am a registered Republican, since 1998, in Senator Davis', no, excuse me, Smith's district. I have also in the past been a gun owner. I am not currently a gun owner, primarily because I suffer from multiple sclerosis and, as a result, my dexterity doesn't make me a safe gun user. So my guns are in storage at my father-in-law's house. But what I want to talk to you about first is the language in this bill. I don't know what it is about Nebraska that makes the NRA think that they should promote poorly drafted bills for us, but in this one, this bill is drafted poorly. You know, on page 2, where it talks about the disposal of the firearms, it says that the counties "shall" host this auction. It doesn't say "may." And in the Ninth Circuit, judges have typically construed the word "shall" to mean "must." It doesn't have to mean "must," but generally, in the Ninth Circuit, that's what our judges have understood that word to mean. Doesn't mean "may," doesn't mean "can." It doesn't make it optional. So we are telling our counties now you must host this auction to dispose of the firearm. And I would note, Senator Chambers brought up the gun that killed Officer Kerrie Orozco earlier this year. That gun was a lawful firearm. I could lawfully own that gun because I'm not a prohibited person. So we are talking about telling Douglas County now, you have to auction off this gun to the highest bidder. So we're putting a gun that killed a law enforcement officer back on the streets, or any other murder weapon back on the streets to a lawful owner where we don't have any required registration. That gun could be lost, stolen, subsequently given away and

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

Judiciary Committee  
March 03, 2016

---

become part of the problem that we have with unregistered, undocumented guns back on the streets, in the hands of prohibited people, through theft or just poor management. Additionally, on page 3 it talks about what the proceeds go to. It doesn't, as the bill's introducer stated, talk about putting the money towards education and schools. It just says that the state can determine how to spend it. Now this puts the liability for auctioning the guns on the county, the cost of auctioning the guns on the county, but it gives the counties themselves no direct say as to how that money gets spent. So those are two things that I think are particularly poorly worded in this bill. Additionally, it includes some places that we haven't talked about today. It includes polling locations. So my secret ballot, I'm going to have to walk through a legion of protestors who are armed, potentially, letting me know how they expect me to vote. Political fund-raisers and rallies, school sporting events, I don't know about you, I'm a parent of a teenager and when I go to school sporting events there's always that one angry dad who's mad at the coach, he's mad at the refs, he's mad at the other players, mad at everybody. I don't want that guy armed, I just don't. It's not safe. Thank you. [LB769]

SENATOR SEILER: Senator Krist. [LB769]

SENATOR KRIST: Dad or mom. [LB769]

SENATOR WILLIAMS: Yeah. [LB769]

SENATOR KRIST: Right. [LB769]

DANIELLE SAVINGTON: Have you been to a...well, you know what, wrestling excludes because wrestling moms, we get a little antsy. [LB769]

SENATOR KRIST: Yeah. [LB769]

DANIELLE SAVINGTON: So you're right. I would amend that--angry parent. [LB769]

SENATOR KRIST: Okay. Thanks. [LB769]

SENATOR SEILER: I married one. (Laughter) [LB769]

DANIELLE SAVINGTON: Thanks. [LB769]

SENATOR SEILER: Hold it just a second. [LB769]

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

Judiciary Committee  
March 03, 2016

---

DANIELLE SAVINGTON: Oh. [LB769]

SENATOR SEILER: You don't have to go to the crazy Ninth District to get that same definition of "shall." You can stay in the Eighth Circuit, which Lincoln is in,... [LB769]

DANIELLE SAVINGTON: Eighth Circuit. I apologize. [LB769]

SENATOR SEILER: ...and it's the same definition. [LB769]

DANIELLE SAVINGTON: I apologize. I've been researching the Ninth Circuit. [LB769]

SENATOR SEILER: The only thing worse would have been if you'd had quoted the Tenth. (Laughter) [LB769]

DANIELLE SAVINGTON: Yeah, no, I wouldn't have dared go there. Thank you. [LB769]

SENATOR SEILER: Okay. Thank you very much. [LB769]

OWEN YARDLEY: (Exhibit 15) Thank you, Senators. My name is Owen Yardley. I'm the chief of police at the University of Nebraska-Lincoln, O-w-e-n Y-a-r-d-l-e-y, and I'm speaking on behalf of the university. The university traditionally has opposed legislation that allows the possibility of firearms on campus. It does so again with LB769 for safety and operational purposes. Current statute makes it clear where firearms are not allowed. LB769, besides making it unclear for gun bearers, would require signage in conspicuous areas showing that firearms are not allowed. It would be functionally difficult to erect signage at the edge of campus when curbside parking allows an entrance to the campus every 20 feet, and a campus may be up to a square mile in size. This could compromise the university's intentions toward possession of firearms. Mental health concerns, student alcohol use, and still developing maturity are issues on any campus, UNL included, that significantly raise the risk factor when mixed with firearms. The university is one of the largest work forces in Nebraska. Workplace violence is more common than school violence. In either situation, allowing firearms on campus would let someone intent on causing harm to take a firearm legally into their destination unhindered. This is not an internal issue...simply an internal issue to UNL. In threat assessment work investigations, historically in about one-third of our threat assessment situations the person responsible does not have an affiliation with the university. In threat assessment, there's four steps in a process to committing an act: ideation, planning, preparation, and implementation. Unfortunately, the preparation and implementation steps are where intervention is most possible. The implementation is when the incident starts occurring. Without clear identification of whether

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

Judiciary Committee  
March 03, 2016

---

a gun is permissible or not, a person who sees a weapon may not report what could be an impending incident, and that would be unfortunate. For these reasons, we oppose LB769. Questions? [LB769]

SENATOR SEILER: Further questions? Thank you very much for your appearance. Further opposition. Go ahead. [LB769]

MELODY VACCARO: My name is Melody Vaccaro, M-e-l-o-d-y V-a-c-c-a-r-o. Thank you for allowing me to speak today. Thank you, Senator Seiler. At best, it's a myth that more guns will reduce shootings and keep the public safe. At its worst, it's an intentional lie to help the gun industry sell more guns and weaken public safety protections. And we actually saw this today in action as the NRA testified to the importance of bringing crime guns back into the community for financial reasons. Guns are dangerous. Every time we lower the bar to ownership to where guns can be carried, we must do so with the understanding that the risk to the public is increased. Every time you hold a knife to chop vegetables, the risk that you will cut your finger is increased. When you go to the lake to go swimming, the risk that you'll drown is increased. So we always have to balance, especially when we're talking about, you know, laws that impact everyone in the state, we have to balance responsibility with rights. Okay? And so that's really what I wanted to talk about today. LB769 will increase risk to the public. Without increasing training, it doesn't increase skill level of the gun holder. And yet, it's saying, by state statute, we recognize it's okay to bring guns into NICUs and it's okay to bring guns into kindergarten classrooms; that a single day of training with multiple chances to get a 70 percent, which at most schools will earn you a C-minus or a D, to hit a stationary target is good enough for the most sacred places in our community. There are thousands of stories where accidents happen, where good people unintentionally shoot their firearm, injuring themselves or others. We have a man in DeWitt who was killed, when his shotgun went off, at the age of 28. We have a little girl at the age of six who was shot in the chest when a handgun fell out of the pocket of one of her father's friends here in Lincoln on the 4th of July. We have a man in Kearney who shot himself in the hand when his handgun unexpectedly went off. There was a man in Omaha who shot his father while he was cleaning his gun. His dad was in another room. We had a man in Imperial, Nebraska, who did not store his rifle appropriately and it did shoot him and killed him from the backseat...or from the bed of the truck. And there was a 22-year-old in Lincoln who found a gun in an alley and accidentally shot himself when he picked it up. So accidents do happen. They absolutely happen. And when we hear Senator Garrett say things like it's completely reasonable... [LB769]

SENATOR SEILER: Go ahead and wind up. [LB769]

MELODY VACCARO: ...that if... [LB769]

SENATOR COASH: If you have a final comment, go ahead. [LB769]

MELODY VACCARO: Okay. That it's completely reasonable for someone not to remember they have a handgun on their ankle, then we're saying it's completely reasonable not to know you have a gun in a NICU, in all the places that were prohibited. And it's not acceptable. And if we're going to increase the risk to the public, we need to increase the responsibility of those who are holding those guns. [LB769]

SENATOR SEILER: Questions? Thank you for your testimony. [LB769]

MELODY VACCARO: Thank you. [LB769]

SENATOR SEILER: Next witness. [LB769]

BERNICE OLIVAS: My name is Bernice Olivas, B-e-r-n-i-c-e O-l-i-v-a-s. Thank you for allowing me to speak. I'd like to point out that Nebraska is one of the few states in the country that chooses to see 18-year-old students as children rather than adults. Age of majority here is 19. So when we talk about opening up the university space for concealed carry, we are in fact talking about children with handguns. We decide that they should not be part of marriages or legal contracts because we understand that these students may not be making the best choices at 18 or those who have come to college a little bit early at 17. I'm a graduate student, an instructor. I teach mostly first-year students. The large majority of my students range from 17 to 19. The 17- and 18-year-olds are considered by the state to be children, so it makes me incredibly nervous when we talk about saying they should be allowed to conceal a weapon and bring it into the classroom. And it becomes my responsibility not only to post something in my classroom or put something in my syllabus but then to approach a student who might be wearing a concealed weapon or to ask a student, are you of age, do you have a weapon? Suddenly it becomes my job to monitor my students in a way that I've never considered before and prefer not to. And once again, the state of Nebraska sees the majority of my students, who are 18, as children, not adults. So there's that to consider. And I find it very disturbing to think that we would just turn around and say, hey, you know, we don't consider you adults in all of these other situations, but here's a gun, at 17 or 18, on the college campus. Thank you. [LB769]

SENATOR SEILER: Further questions? Senator Ebke. [LB769]

SENATOR EBKE: Do you know right off-hand what the age limit is for a concealed handgun permitholder, because that's what we're talking about here? [LB769]

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

Judiciary Committee  
March 03, 2016

---

BERNICE OLIVAS: I do not. [LB769]

SENATOR EBKE: I think it's 21. Is that correct? [LB769]

BERNICE OLIVAS: Right. [LB769]

SENATOR EBKE: So 18-year-olds would be out of the picture on this. [LB769]

BERNICE OLIVAS: Right. However, at the same time, we come back to that same concern of how do I know which student is 18 and which one is 21? Do I stop each one walking into my classroom to ask an age? [LB769]

SENATOR EBKE: But would you have to know how old they are because they have to be at least 21 to have a concealed handgun permit? [LB769]

BERNICE OLIVAS: Right. But are we proposing asking everybody who has a concealed weapon if they have a permit every time you see one in a classroom or you see somebody on campus? [LB769]

SENATOR EBKE: But if you...if there's a concealed handgun, if they don't have a permit, they're not carrying legally. [LB769]

BERNICE OLIVAS: No. But it, again, becomes my responsibility to figure that out and not the police officers, which it would have been if he had been carrying a weapon and I had saw him before something like this was passed and I simply called 911. [LB769]

SENATOR EBKE: Okay. [LB769]

SENATOR SEILER: Further questions? Thank you very much for your testimony. Next witness. [LB769]

KATHIE DEJA: (Exhibit 15) Members of the committee and honorable Chair, my name is Kathie Deja, K-a-t-h-i-e D-e-j-a. I am a cardiac specialty nurse at a Level I trauma center. I am opposed to LB769 for a number of reasons that include patient and visitor safety and nursing staff safety. First off, when a patient is admitted to the hospital, I fill out a complete inventory of the person's possessions. If there is a gun in the patient's possession, I do not want to be tasked with handling that person's weapon. I will need to...I will actually need to call security, who will

need to secure the weapon. Can you imagine how thinly security will be spread if they have to secure the handgun of every Tom, Dick, and Harry that comes into the hospital during a heart attack? And because he believes that he's going to protect us, we have to slow down our life-saving interventions to call security to disarm him. Obviously, this bill amounts to bad medicine. Secondly, visitors come into the hospital distressed that their loved one is sick, injured, or dying. The emergency room is a setting that is already emotionally intense. Patients are brought in for violent trauma, psychological breakdowns, and grave illnesses. Their families frequently accompany them. Can you imagine how much more dangerous a tense, emotional situation will be made if a family member has a gun and they believed that their loved one isn't getting the treatment they should receive? What of the domestic abuser who comes to finish the job? What of the bickering families in the waiting room, any one of whom could be armed? Our hospitals should not become shooting galleries to accommodate gun enthusiasts' fetishes. Finally, all of my trust and faith lies in the security guards at our hospital. They are responsive. They have never let me down and they are dedicated to patient, staff, and visitor safety. LB769 will not make their jobs easier. It will make their job harder. They will face staffing challenges to address guns in patients' possession. They will have to assume that every person seeking care is armed and potentially dangerous. They will no longer be the only person permitted to be armed at the hospital. When I see armed security, I think, oh, that guy is supposed to have a gun. When I see an armed person who is not security I think, better get security, that guy is armed and dangerous. After LB769, I am pretty sure that I won't know what to think, and that's not good when I'm supposed to be concentrating on saving your life, not whether or not you're a threat to me and others. Thank you for letting me share my experience. [LB769]

SENATOR SEILER: Questions? Thank you very much for your testimony. Next witness.  
[LB769]

THOMAS O'NEILL: (Exhibit 17) Senator Seiler, members of the Judiciary Committee, I'm Tip O'Neill, that's T-i-p O-'-N-e-i-l-l. I'm the president of the Association of Independent Colleges and Universities of Nebraska. We're a consortium of private, nonprofit colleges and universities. We are here to oppose this bill, LB769, for several reasons. First of all, the current law provides uniformity for colleges and universities, basically just a prohibition against carrying concealed handguns on college and university campuses, which we believe is appropriate. Second, the current training and education required of people who get concealed handgun permits requires knowledge of current locations where concealed carry is not allowed. We think that that's important and that to have disparate sorts of arrangements where you can carry on some campuses, for example, and you can't carry on others would be confusing to those permit holders. Third, Senator Chambers referenced the Texas law where they passed a law that allows...requires campuses that are public to allow concealed carry on public campuses. You know, we have 20 private colleges and universities in Texas. Not a single one of them is allowing concealed carry on those campuses. In fact, I handed out an article just from February 22, the Texas newspaper

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

Judiciary Committee  
March 03, 2016

---

there, The Dallas Morning News. The president of Baylor University is Ken Starr--who...a noted Republican, Senator Krist--who (laughter) said...is quoted in that article and said, "My own view is that it is a very unwise public policy." And we would agree with that assertion that it's a very unwise public policy to allow concealed carry on college campuses. From a practical standpoint, we have signage issues. There are many area on college campuses where access is possible and to provide signage in all those areas would be very difficult. And we were wondering, is it an offense to a concealed carry permitholder even if we prohibit concealed carry on our campuses, if they say, well, we didn't see the sign, you know. And so we think that's a concern for us. So for those reasons, we would oppose this bill. Be happy to answer any questions. [LB769]

SENATOR SEILER: Tip, you want this made part of the record? [LB769]

THOMAS O'NEILL: Yes, I would. [LB769]

SENATOR SEILER: It will be received. [LB769]

THOMAS O'NEILL: Okay. [LB769]

SENATOR SEILER: Questions? Thank you for your testimony. [LB769]

THOMAS O'NEILL: Thank you. Appreciate it. [LB769]

SENATOR SEILER: Next witness. [LB769]

ELISABETH HURST: Good afternoon, Senator Seiler, members of the Judiciary Committee. My name is Elisabeth Hurst, that's E-l-i-s-a-b-e-t-h H-u-r-s-t. I'm director of advocacy with the Nebraska Hospital Association. I simply want to affirm the testimony that you've already received from other healthcare providers regarding why LB769 should not be moved forward. The NHA, its 90-member hospitals, the 41,000 employees that they represent oppose LB769. I'd like that to be official on the record. Happy to answer any questions you may have. [LB769]

SENATOR SEILER: Any questions? Thank you for your testimony. [LB769]

SENATOR KRIST: Nice, short testimony. (Laughter) [LB769]

WILLIAM MUELLER: Chairman Seiler, members of the committee, my name is Bill Mueller, M-u-e-l-l-e-r. I appear here today on behalf of the Nebraska State Bar Association in opposition

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

Judiciary Committee  
March 03, 2016

---

to LB769. Our concern is on page 5 of the bill where the current prohibition for carrying a firearm is a building which contains a courtroom. The bill, as introduced, would still prohibit the carrying in courtrooms but it would strike "or building which contains a courtroom." And I'm on page 5, lines 24 and 25. We are very concerned that if firearms would be allowed in a hallway outside a courtroom, as you can imagine, litigants, lawyers, court personnel come and go into a courtroom through those hallways and it seems to us that the best policy is to prohibit firearms within buildings that contain a courtroom. Just yesterday a fight broke out, apparently, in the Douglas County Courthouse outside a hearing room or outside a courtroom where a murder trial was taking place. You have a fiscal note before you from Douglas County Sheriff's Office where they price what it would cost them to put staff and metal detectors outside each of the 34 courtrooms in Douglas County. We think that uniformity within each of Nebraska's 93 county courthouses is important and we would ask the committee to retain the current language as to buildings containing courthouses. Be happy to answer any questions you may have. [LB769]

SENATOR SEILER: Senator Krist. [LB769]

SENATOR KRIST: So for the record, Lawyer Mueller, that also means this building. Correct? [LB769]

WILLIAM MUELLER: Well, I don't know. [LB769]

SENATOR KRIST: Because it contains a courtroom, the Capitol. [LB769]

WILLIAM MUELLER: That's interesting. It does. [LB769]

SENATOR KRIST: Yeah. So... [LB769]

WILLIAM MUELLER: It does. [LB769]

SENATOR KRIST: Thank you. [LB769]

SENATOR SEILER: Senator Ebke. [LB769]

SENATOR EBKE: Mr. Mueller, I would just like to thank you and the other testifiers for firming up the case for preemption and a uniformity of law across the state. (Laughter) [LB769]

SENATOR KRIST: It's not going to help. [LB769]

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

Judiciary Committee  
March 03, 2016

---

SENATOR SEILER: I was in the courtroom in the Supreme Court when Mr. Rhodes walked in with his 12-gauge shotgun and laid it down on the bench. You never saw seven judges disappear so fast in all your life. (Laughter) Any further questions? Thank you. [LB769]

WILLIAM MUELLER: Thank you. [LB769]

SENATOR CHAMBERS: I think that might be worth seeing again. [LB769]

SENATOR SEILER: Pardon? [LB769]

SENATOR CHAMBERS: That might be worth seeing again. [LB769]

SENATOR SEILER: No. No. [LB769]

CARMEN SMITH: My name is Carmen Smith, C-a-r-m-e-n S-m-i-t-h, and I'm a resident of Lincoln, Nebraska. I'm a graduate student and instructor at the University of Nebraska at Lincoln, and a mom of two, soon to be three. As such, I oppose LB769. This bill would allow civilians to carry firearms literally everywhere, including places where they're currently categorically not allowed, such as in bars, banks, hospitals, day cares, schools, and on college campuses. There are good reasons why everyone should not be allowed to carry a weapon into those places, so let's keep them out of there. In my classroom, I should be focused on teaching our students critical thinking skills and having constructive discussions on controversial topics, not worried about which student might snap and begin shooting. If, as this bill would allow, students with permits were allowed to concealed carry into my classroom, I would have to assume every student to be carrying. And what if a student is riled up about his or her grade? If I were to deduct points from a submitted paper and a student didn't agree with my assessment, would I be safe from his or her wrath, especially in the heat of the moment? Or would I have to abandon the practice of conferencing with that student and of discussing topics in which opinions might differ in class, as has recently been suggested at the University of Houston, Texas? Should I abandon any pretense of grading according to the standards of my department because I have to assume that any student contending his or her grade concealed carries a deadly weapon? Speaking as a mother, I have a middle-schooler and a high school student here in Lincoln Public Schools, and I know that their schools are the safest place for them to be during the day. This is precisely because, not despite, the fact that guns are restricted at my children's schools. The likelihood of the need for the warranted use of a firearm is simply minuscule in comparison with the probability of an "oopsie." More guns in more places merely increase the number of unintentional shootings, accidental discharges, mistaken or misguided gun uses, and greater access to firearms for our little ones. More guns in more places displaces the responsibility of pursuing criminals from law enforcement and, instead, places life-and-death

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

Judiciary Committee  
March 03, 2016

---

decisions into the hands of minimally trained citizens. In the state of Nebraska, a citizen can obtain a concealed carry license with a mere eight hours of instruction and after passing a shooting test with an unlimited number of attempts at 70 percent accuracy. This is less than half the instruction time it would take for a student of mine to earn a single credit hour in college and the equivalent of a C-minus and it hasn't a controlled environment. Thank you very much. [LB769]

SENATOR SEILER: (Exhibits 18, 19, 21, 23, 24, 25, and 26) Any questions? Thank you for your testimony. Next witness. Next witness in opposition. Next witness in neutral. I have some letters here that need to be made part of the record for Bernard Fehringer from Sidney, Nebraska, is a proponent; Steve Erdman from Bayard, Nebraska, is a proponent; and then I have five letters of opposition and they'll be made part of the record. Senator Garrett, you may close. [LB769]

SENATOR GARRETT: Senator Seiler, thank you, and members of the committee. I should have packed a lunch. God bless America. We see here today what American politics is all about and I really want to focus on what this bill is about. And thanks to...meaning no disrespect to a lot of the testifiers, but we need to focus on what this bill is about. This bill is about eliminating gun-free zones or allowing businesses, churches, schools, hospitals to set their own policy. They can still have policies that make their institutions, their organizations, their companies, their property gun-free zones. It's interesting to me that I have either directly or indirectly just during this committee hearing been called a racist, a coward, incoherent, and morally bankrupt, a pencil pusher. And I got to...Senator Krist wasn't in here when Senator Chambers made the Army/Air Force comment about us. I have a niece in the Army. She calls us the "Chair Force," so that kind of goes with...but normally, when we talk about the Army, we say A-r-m-y so they don't know we're talking about them. But (laughter) but a little inner service rivalry there. But I've also been called a shill to the arms manufacturers, and the worst of all things, a Republican. (Laughter) But the...honestly, I'd like to set the record straight on a number of things. Again, the age to have a concealed carry permit is 21 years old, so we're not going to be worrying about high-schoolers running around with weapons in high school. And again, this bill simply does away with the statutory gun-free zones. Every organization that currently is a gun-free zone can still choose to do so, but we allow them the choice to do it. I've heard references that this bill is going to increase sexual assaults, murder, rape discrimination, binge drinking, drugs, road rage, suicide, accidental discharges, and mental health problems. I'm not getting the correlation. I just am not quite getting it. You know, it sounds like eliminating gun-free zones, statutory gun-free zones, is going to be a cause for just chaos throughout the world. There was a comment about the NRA being here wanting, you know, being a proponent of gun auctions, but I've heard the NRA is a big proponent for gun manufacturers selling weapons. I think the NRA would be opposed to us having gun auctions, would prefer to see the guns destroyed so people would have to buy new guns. There are 47,000 concealed permitholders in Nebraska, and I defy anyone in here to tell me where one of those concealed carry permitholders has committed a crime. These folks, call

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

Judiciary Committee  
March 03, 2016

---

them what you will, call them cowards, whatever, they feel a need to want to protect themselves and their families, and they have a constitutional right to do so. Like it or not, the Second Amendment allows us to do this. And I'll just throw a plug in for LR35, the convention of the states. I didn't get an opportunity to get back up and talk about it, but Senator Chambers mentioned the history of this country and the racism and discrimination, and I wanted to get up there and say the way we fix that is by amendments to the constitution. And if we had an LR35 and a convention of the states, we could potentially amend the Second Amendment. We could change the Second Amendment. We could make a well-armed militia be defined as a National Guard or the Armed Forces. But that's another issue--LR35. So again, whether you like it or not, we have a constitutional right to keep and bear arms. I do not...University of Nebraska-Lincoln, do I think it's a great idea for students to be running around with concealed weapons? No, not particularly. If I had my way, every school, every public school would have an off-duty police officer or an on-duty police officer, an armed police officer in one of those schools. Our most valuable resource are our children. And you see the Sandy Hook Elementary School shootings, all these things that happen. We have...we've got to address the problem. We do not want to be in here after an atrocity has happened and say would have, could have, should have. I'm not saying that every teacher should carry a firearm, but let's, you know, let's belly up to the bar here and pay the price. We ought to have armed resource officers in every school, period dot. There are a lot of things that, you know, I like the fact that we started the dialogue today and thank God for all the testifiers that came up here. As, you know, as hard as it is to hear some of the testimony sometimes, we started the dialogue on this and we need to have the dialogue. That's what this country is all about. And I'm going to champion this cause and the rights for those law-abiding citizens to have a concealed weapon and to carry it almost everywhere. Oh, let me address that alcohol kind of issue again. By statute, if you're a concealed carry permitholder, you cannot have alcohol. You cannot be consuming alcohol and you cannot have alcohol in your system from when you drank the night before. That's in statute. You're in violation of the law if you're carrying a concealed weapon and you have alcohol or any illegal substances in your system. So with that, I again thank you for your time and consideration. And I'd like to entertain any questions you might have. [LB769]

SENATOR SEILER: Questions? Senator Chambers. [LB769]

SENATOR CHAMBERS: Senator Garrett, I've said on the floor of the Legislature you all don't listen to me. You don't pay attention to me at all. I handed out an article this morning, which you obviously didn't read, where one of your permit carriers had a pistol on one ankle and a container of bullets on the other. And you said, show you one example of a permitholder committing a crime. That was a crime. That happened just the other day. It was in the paper. You didn't read the paper and you don't pay attention to me. [LB769]

SENATOR GARRETT: I did read that. [LB769]

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

Judiciary Committee  
March 03, 2016

---

SENATOR CHAMBERS: You know where you make a mistake and thinking that somehow a gun makes everybody better than what they are? When I grew up, Sonny, a lot longer than you did, do you know how we used to settle things? With the knuckles. And if you fight and you hit somebody upside the head, you don't hit them on the head anymore, and you might not hit them at all. But now the ones who used to fight with fists fight with guns. There's an attitude in the country that encourages the use of firearms to settle differences. And here's where the Communists were smarter than the Americans, then the Americans caught on. When things were going on in Vietnam and other parts of the world, do you know what Mao Tse-tung was telling people? He was a Communist. We are in a war for the people's minds. We must win men's minds. And they had guns. They had guns, plenty of guns. But they were smart enough to know guns will not solve the problems. Guns exacerbate problems. You know the example that I want to show young people, and I'm going to say it again and I'm going to keep saying it. I want to be an example of what I tell them. I could get a gun. I could have a gun in less than an hour if I went to my neighborhood and put out the word that I want a gun. But they don't see me with a gun. They don't see me threatening anybody with a gun. And they don't see me running from people with guns. Not trying to be a hero, not trying to be any of that, but trying to show young people that there's a different way and there's a better way. And the one who's going to tell you about a better way is going to show you. I'm not going to be like you saying there should be an armed cop in every school. I say there shouldn't be guns anywhere, and I don't apologize for it. I wish every gun could be taken, guns that kill animals, guns that kill people, guns period. I hate guns, not all gun owners. Some of my best friends carry guns, and if they had sense they'd listen to me. But you feel that the world is going to be a better place if there are more guns. Guns have only one purpose and that is to kill. That's the purpose of a gun. You were in the military. You know that. [LB769]

SENATOR GARRETT: Absolutely. [LB769]

SENATOR CHAMBERS: And yet you want more of them... [LB769]

SENATOR GARRETT: Absolutely, Senator Chambers. [LB769]

SENATOR CHAMBERS: ...everywhere. [LB769]

SENATOR GARRETT: Senator Chambers, there are so many problems with...societal problems with our society across the board, what's happening, and the lady that came up with the statistics, what's going on in north Omaha every night, I'm shocked and appalled by that. And that violence, how are we addressing that violence? We're not. But the vast majority of the citizens who live outside of north Omaha and those areas where they don't deal with that nightly

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

Judiciary Committee  
March 03, 2016

---

violence, they see that and they feel, oh my God, I need to protect my family and I need to protect myself. [LB769]

SENATOR CHAMBERS: Protect their family from what? They live around white people. [LB769]

SENATOR GARRETT: But we see that kind of...we had this discussion last year on the other gun bill where we talked about the way the situation is in the United States with those shooting incidents, with the stuff overseas. Everyone has that mentality that they feel afraid, for whatever reason. I don't call them cowards. They want to be safe. And there are a lot of people who feel comfortable with weapons. I'm a 26-year member of the armed forces. I retired. I wish like hell we didn't need a military. You think about how much money we spend on our military. But look at the world situation. There are a lot of evil people out there, not just internationally but nationally. There are evil people and we need to protect ourselves. [LB769]

SENATOR CHAMBERS: Then I'll give you another and...let me give you an example of what I'm talking about. Leaders and people before the public set a tone that the public is quick to pick up on. Now Donald Trump has come along. He's used the f-word. He used the G.D.-word. And now it's everywhere. That is the language of the people and these people who cheer say, he says what we think and we believe it and that's the way we ought to talk. We ought to stop being these sham people. And now you know what he did? A very nice-looking young guy trying to be upstanding, now he's trying to out-trump Trump because he sees that's what the people want. He's starting to coarsen up his language. He's starting to spread the insults, because that is the tone that's being set. It infects the public. It has affected public discourse and it's everywhere. But here's where I'm going to seem to be contradicting myself. I'm glad Trump is out there. I'm glad he's doing exactly what he's doing. I'm glad he's saying exactly what he's saying. And I'm glad that people from the rest of the world who have got intelligence can see what reaching out and grabbing and embracing of that by huge numbers of Americans. The Ku Klux Klan is respectable again and they shouldn't condemn Donald Trump for that without going back to where Reagan announced that he was going to run for President. It was in that Mississippi town where they murdered and buried the three civil rights workers in a dam. And he went down there and he appealed to the Ku Klux Klan. He appealed to the racists. That's what he did. So when I hear these people running around, praising Reagan, and then condemning Trump, Trump is doing what Reagan did. He's following Reagan's example. But people in this country don't read history. They don't pay attention to it. And a man named Santayano said those who don't learn from history will repeat it, the bad things. People don't learn. Leaders, and everybody up here, with the exception of me, is being a leader. I never call myself that. I'm just an ordinary person who happens to be in this position. But the leaders legitimize things, so now it's legitimate to, in what's supposed to be polite company, to call somebody a liar. And he's a bigger liar than him. He's stupid. And using the f-word. And getting thunderous cheers and ovations. Leave Trump

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

Judiciary Committee  
March 03, 2016

---

alone because all he's using is words. But I'll tell you what his words are doing. It's letting loose an attitude and a spirit in this country that you all are not going to be able to cope with. The genie is not going to be put back in the bottle. When this campaign is over, something has been let loose that's going to stay here. And I'm going to rub it in you-all's face because it's going to happen during my next term in the Legislature, and I'm going to say, that's what I was talking about. And now there have been so many guns that people who I thought had sense are talking all this stuff where there ought to be guns everywhere, in church, in school, in the grocery store, in the taverns. The society looks to its leaders who formulate policy to make it unnecessary to say that certain things shall not happen and if I don't say it shall not happen then it shall. These business owners should not have to say I don't want this to be the case. It's a decision for the policymakers to make. And you are saying, we shouldn't assume that. You are reflecting what the NRA is about, whether you know it or not, and that shows how cagey they are. You don't even know it. They insinuate their way into people's minds and have them saying things, echoing things, and they don't even know where it came from. [LB769]

SENATOR GARRETT: Senator Chambers, I don't know of another constitutional right that we have that is prohibited in statute in certain circumstances or location. We have a constitutional right to keep and bear arms. Oh, but except in these areas. [LB769]

SENATOR CHAMBERS: It doesn't mean all this stuff you're talking about. And show me another constitutional amendment that deals with people killing each other. You all always have to run to the Second Amendment. How many amendments are there to the U.S. Constitution altogether? Uh-huh, and I bet you can't cite or quote from one of them. And all people have to say is Second Amendment, and you know what they...only thing they get from that? Carrying guns. What else does it...name me one other thing in the Second Amendment. [LB769]

SENATOR GARRETT: The right to keep and bear arms. [LB769]

SENATOR CHAMBERS: Tell me something else in it. [LB769]

SENATOR GARRETT: A well-armed (sic) militia. [LB769]

SENATOR CHAMBERS: That's on the same...along the same line. [LB769]

SENATOR GARRETT: (Inaudible). [LB769]

SENATOR CHAMBERS: People aren't sure, are they? But all they know, when they want to carry guns, say Second Amendment. They, like a parrot, were really quite dense; they repeated

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

Judiciary Committee  
March 03, 2016

---

the words but they didn't get the sense. And people come up here all the time and they say it on the floor, Second Amendment, Second Amendment, and there's much more to the constitution than that. And I care about the rest of it, far more than the Second Amendment. And if the rest of the constitution were heeded, we wouldn't need all this yow-yowing about the Second Amendment. I don't want to shoot my neighbor and I don't think my neighbor wants to shoot me, but if my neighbor wanted to shoot me, it wouldn't be a gun fight because I wouldn't be able to return the fire. But you know what, I can think and I know how to treat people. And there are bad actors not only in my community but in communities all over this city, my city I'm talking about, the state and the country. I have yet, other than one situation, in my whole life when somebody pulled a gun on me and it was not a person who was going to shoot me, just menacing, threatening with acts, conduct, but he wasn't going to shoot me. But I'll tell you what, here's where I'm smart. If I was talking just like I'm talking now and he said, Ernie, if you say one more word I'll blow your brains out, and he got a gun on me, silent night, because I'm not crazy. And I know that people who carry guns and want to flash guns are as crazy as bedbugs. They are lunatics, in my opinion. [LB769]

SENATOR GARRETT: I respectfully disagree. [LB769]

SENATOR CHAMBERS: That's just my opinion. [LB769]

SENATOR GARRETT: I respectfully disagree, but... [LB769]

SENATOR SEILER: Senator Krist. [LB769]

SENATOR CHAMBERS: I'm going to make you talk. [LB769]

SENATOR SEILER: Senator Krist. [LB769]

SENATOR KRIST: You're going to make me talk? (Laugh) [LB769]

SENATOR CHAMBERS: He just called you. (Laughter) He called on you. [LB769]

SENATOR KRIST: Okay. I got to follow through with a question from Senator Ebke. So this bill is going to say there's nonstandard, nonconformity across the state. We're going to have every institution, every business, every place is going to post a sign. And if the tape comes off the back of the sign, then of course it's the gun owner, the concealed carry holder that's going to be at fault for walking in. One is pushing conformity. One is, at this point, is saying it should be up to

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

Judiciary Committee  
March 03, 2016

---

everybody to do their thing. I just...you don't have to address it. I'm just saying that's what this bill says. That's what your closing just said. [LB769]

SENATOR GARRETT: That's right. Every institution will be able to make the determination. If they want to be a gun-free zone, they'd post a sign, the same as it is currently. Even the statutory gun-free zones still post signs. And there are businesses that don't want you to carry concealed or open carry, because we're allowed to carry it open. There's a particular restaurant in Papillion that has a sign that says no open carry. So business owners, organizations, schools, churches have every right to do that. [LB769]

SENATOR KRIST: So if I'm a concealed carry permit holder and I've gone through the education and I understand that I cannot currently carry them in A, B, C, D, E, F, G, then I have to also look at where those signs are posted. That's the way it is right now. [LB769]

SENATOR GARRETT: That's right. [LB769]

SENATOR KRIST: In the future, if this...or if this passes, I don't know whether it's right or wrong. I just have to look for a posted sign. [LB769]

SENATOR GARRETT: That's right. [LB769]

SENATOR KRIST: Okay. I got to think we're going backwards a little bit but...for all the reasons that the university and those talked about, but. [LB769]

SENATOR GARRETT: You know, in the case of the fiscal note on the Douglas County, you know, Douglas County can still make that entire court building a gun-free zone. So it's a specious argument to come out with a fiscal note like that because you don't have to put metal detectors in front of every court. Just leave them where they are right now and just declare the entire building a gun-free zone. [LB769]

SENATOR KRIST: Okay. I just wanted to clarify that that's where we were going. So that's good. [LB769]

SENATOR GARRETT: And let me put a little plug in for LB1106, which is the civil asset forfeiture bill, which in addition to asset forfeiture for cash, it's firearms as well and it's going to require transparency where they'll have to...law enforcement will have to report those confiscations on a quarterly basis and there will be transparency where they were. And it will be reported to the State Auditor. [LB769]

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

Judiciary Committee  
March 03, 2016

---

SENATOR KRIST: I want to do new rule change next year. If two senators are debating, they get five minutes apiece and we're done. [LB769]

SENATOR CHAMBERS: If he's got a gun, he won't stop. I just have one more comment. [LB769]

SENATOR KRIST: Ugh! [LB769]

SENATOR CHAMBERS: Just one. (Laughter) Just one. [LB769]

SENATOR SEILER: We have three more bills. [LB769]

SENATOR CHAMBERS: When... [LB769]

SENATOR SEILER: Go ahead. [LB769]

SENATOR CHAMBERS: It will be very brief. When Senator Garrett was coming back up here, he said I should have packed, I thought he was going to say a pistol, but he said (laughter)...but you said a lunch,... [LB769]

SENATOR GARRETT: A lunch. [LB769]

SENATOR CHAMBERS: ...so I relaxed. [LB769]

SENATOR SEILER: Any further questions? Thank you, Senator Garrett. [LB769]

SENATOR GARRETT: Thank you. [LB769]

SENATOR SEILER: Senator Schnoor, you're up. Senator, you may introduce LB681. [LB681]

SENATOR SCHNOOR: Thank you. Chairman Seiler, members of the Judiciary Committee, I am Senator David Schnoor. That's spelled D-a-v-i-d S-c-h-n-o-o-r. I represent Legislative District 15. Imagine if you are a concealed carry holder, you go into a restaurant with your family, your wife and kids. You are legally or you feel you're legally complying with carrying your concealed weapon. You must...you probably are not doing a very good job of concealing it because the manager comes to you and asks you and says to you, sir, I know that you're carrying a fire...fire

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

Judiciary Committee  
March 03, 2016

---

alarm...a firearm and it's in violation of our policy; would you kindly remove your firearm from the premises. You take your firearm, you excuse yourself, you go to your vehicle, you store it, you secure it, you come back in. All is well. It's the end of the story. But it could be different and presently the way our statute is written it is different. Currently, if a person who has a concealed carry permit carries a firearm into a public building and the person carrying the firearm is not aware they have entered a prohibited place, that person can be charged with a Class III misdemeanor. The owner can simply call the police and come in and have him arrested. LB681 is a very simple bill with limited intent. It does amend only one sentence of Section 2 of the statute. And part of that section, if you will see in several areas it says, "except as provided in subsection (4) of section 69-2443." That subsection does not exist. That's why you see in several areas that that is eliminated. But the main content of this bill is the scenario I described earlier. The only intent of this bill is one thing, that a request be made by the person in control of the property and the individual be given the opportunity to comply with the request. The person complies with the request and that's the end of it, no harm, no foul. Refusal, on the other hand, to comply with a lawful request, meaning a request made by whoever is in control of the property at the time to remove a firearm from that public place, is worthy of a misdemeanor. Not even being given the opportunity to comply is an oversight that needs correction. We have the opportunity here to make that correction without changing any other aspect of the concealed carry section of the Nebraska law. This bill does not change where the firearm can be carried. It does not change the penalty for violating this regulation. And it does not put more handguns into those that are lawfully allowed to...or that are not lawfully allowed to carry concealed firearms. Thank you for your consideration and I will answer any questions. [LB681]

SENATOR SEILER: Senator Williams. [LB681]

SENATOR WILLIAMS: Thank you, Senator Seiler. And thank you, Senator Schnoor. In your example, and I'm just trying to understand some wording here, you use the term that the person was unaware that he had concealed carried into a place. Can you tell me how that can happen? [LB681]

SENATOR SCHNOOR: Sure. I'll give you a perfect example and that example will be me. I live about two blocks from here. I have a concealed carry permit. I don't carry it a lot but I do carry it sometimes. When I just moved into this apartment I was carrying my weapon concealed. I walked in the door, I had walked out, I was carrying some of my bags in, walked in and out several times. Last time I walked in I noticed down on the bottom corner of the window there was a sign that says "no concealed weapons allowed." I unknowingly, you know, violated that, and that...although nothing ever came of it. There was nobody in the building. The manager wasn't there. But that is an exact problem that could come up. More so where I feel this could come into play is a restaurant. You know, right now, as Senator Garrett had said earlier, anybody can say that no concealed weapons are allowed in their building. But assume you're coming in

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

Judiciary Committee  
March 03, 2016

---

there with all of your family and you're carrying a weapon and you just basically didn't see the sign. You will be in violation of the law unknowingly. [LB681]

SENATOR WILLIAMS: Thank you. [LB681]

SENATOR SEILER: Senator Krist. [LB681]

SENATOR KRIST: Page 2,... [LB681]

SENATOR SCHNOOR: Yes, sir. [LB681]

SENATOR KRIST: ...beginning with line 25, is stricken. Can you tell me why? Is that part of it? And I missed your explanation on the other part. Is that (inaudible) as well? [LB681]

SENATOR SCHNOOR: That.., you are correct. I did not explain that very well. This is part of it. As you see in the previous paragraph, paragraph (3) starting in line 22, "The applicant shall submit the fee with the application to the Nebraska State Patrol. The fee shall be remitted to the State Treasurer for credit to the Nebraska State Patrol Cash Fund." Now this says...it says, as necessary, they have to log this in a ledger to keep track of this particular fund. And this will alleviate that from being necessary. [LB681]

SENATOR KRIST: Okay. I would ask legal counsel because the reference I'm seeing on 25 says "on or before" a certain date, and that...it kind of doesn't make sense. So we can talk about it. [LB681]

SENATOR SEILER: You mentioned that you didn't think that the violations had changed the sentence, but if you look on page 6, sub (3), I believe that was a Class I misdemeanor and now it's a Class III for violation of paragraph (2)? [LB681]

SENATOR SCHNOOR: True. It's a Class III misdemeanor for the first offense and Class I misdemeanor for subsequent offenses. [LB681]

SENATOR SEILER: No, (2) is it's subject...look at sub (3). [LB681]

SENATOR SCHNOOR: Oh, okay. [LB681]

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

Judiciary Committee  
March 03, 2016

---

SENATOR SEILER: It's referring to subsection (2) of the previous section, of a different section. It says you're guilty of Class III misdemeanor. If you look up at top, it's only...you omit subsection (2). You go (1), (3), (4), (5). I think you've changed the penalty down there. Would you double-check that in the... [LB681]

SENATOR SCHNOOR: We can. [LB681]

SENATOR SEILER: ...line 9 is where I'm talking about. [LB681]

SENATOR SCHNOOR: Okay. [LB681]

SENATOR SEILER: Senator. [LB681]

SENATOR CHAMBERS: I won't pursue this one. Senator Schnoor, you gave an example so let me give one. A guy comes in. He's wearing a pinstriped suit. He has a broke-brim hat. He has a bulge in his pocket. And he has a violin case sitting next to him. And he glares at everybody. And somebody is going to go over and walk up to him and say, if you've got a gun, you take it out of here. And he says, sucker, I'll take you out. Here's the point I'm getting at. If somebody comes in armed, the thing that a prudent person would do is to contact the authorities and not have a possible confrontation with an armed individual, especially in a place where other people may be present. So I think it's unreasonable to say that this proprietor has to talk to that person. The wise thing to do would be to call the police and say that there's a person in my establishment armed and I'm concerned and I want somebody to come here and deal with this situation. What's unreasonable about that? [LB681]

SENATOR SCHNOOR: There's nothing. [LB681]

SENATOR CHAMBERS: Oh, okay. [LB681]

SENATOR SCHNOOR: It doesn't say that he has to talk to him. It just gives them the opportunity to do that. [LB681]

SENATOR CHAMBERS: Well, how is he going to give him the opportunity to leave if he doesn't talk to him? He's got to go over and tell him, you can't have that in here; take it out. But anyway, I don't want to argue. I'm just visualizing what happens in the real world. See, you're a nice person. [LB681]

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

Judiciary Committee  
March 03, 2016

---

SENATOR SCHNOOR: (Laugh) [LB681]

SENATOR CHAMBERS: (Laugh) [LB681]

SENATOR KRIST: You're not supposed to laugh at that. [LB681]

SENATOR SCHNOOR: I'm thinking of how you're trying to set me up right now. (Laughter) [LB681]

SENATOR CHAMBERS: No, that's all that I have. [LB681]

SENATOR WILLIAMS: It's coming. [LB681]

SENATOR CHAMBERS: No, that's all. That's the end of my conversation. When I make him laugh that cheerfully, I'm going to quit while I'm ahead. [LB681]

SENATOR SEILER: Any further questions? Seeing none, thank you. You're going to stay for closing? [LB681]

SENATOR SCHNOOR: I will. [LB681]

SENATOR SEILER: One other question: Looking at the history, does this have a priority? [LB681]

SENATOR SCHNOOR: No, it does not. [LB681]

SENATOR SEILER: Thank you. First proponent. [LB681]

SENATOR COASH: Welcome, Mr. Moeller. [LB681]

ROD MOELLER: Good afternoon again. For the record, my name is Rod Moeller, R-o-d M-o-e-l-l-e-r. I'm speaking on behalf of the Nebraska Firearms Owners Association. There's a problem with signage regarding prohibited places in the Nebraska Concealed Handgun Permit Act. There's a recommendation but there's a not a standard for posting the signage. This body has refused to address this issue as recently as last year with Senator Brasch's LB430. Argument has been, we don't want to place requirements on businesses, an odd argument considering the

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

Judiciary Committee  
March 03, 2016

---

amazing amount of government regulation placed on businesses today, and that it would only apply to those that choose to restrict my right to self-defense. Perhaps it is not understood why it is important. The penalties for violating even the most poorly posted locations are severe and not in line with any other state contiguous to Nebraska. The penalty is a firearms violation on your record. It's not just the misdemeanor that's listed here. Because it is in the Concealed Handgun Permit Act, it is considered a firearms violation. Why is that a big deal? Because it has an impact on job prospects. It has an impact on anything requiring a background check. What about foster care applicants? What about nurses, doctors, or anyone else requiring licensure? The fact that you have a firearms violation on your criminal history can be devastating. And for what? Walking into a location that intended to prohibit you from carrying but couldn't bother to do so in a manner that was reasonably visible. This bill does not remove the penalty. We would like to see a standard trespassing charge apply like all the states contiguous to Nebraska, but this seems like a reasonable compromise because if you walk into a place and are unaware that it's a prohibited place, if you are asked to leave and you do so, you're not in violation. Only if you become obstinate or become a problem is this penalty apply. An example would be if somebody, if I can respond to a previous question, you had asked what if the manager didn't feel comfortable approaching that individual. The way I read this law, I would think that if they called law enforcement, they could be that one to ask the individual to leave. And again, they could either choose to do so or refuse to do so. And if they refuse then, of course, penalties would apply. That's all I have. [LB681]

SENATOR COASH: Thank you, Mr. Moeller. I have a question for you. Are you aware of any legal gun owners losing their right to own a firearm because of failure to comply with like these signage laws that we continue to see? I mean has it happened or... [LB681]

ROD MOELLER: It's not an issue of losing their right to own a firearm, because this doesn't result in losing your right to own a firearm. [LB681]

SENATOR COASH: Okay. [LB681]

ROD MOELLER: And a change was made a few years ago that gives a one-strike rule that says, well, the first time that it happens, you won't lose your concealed handgun permit. I mean that's all well and good, but it's still considered a firearms violation on your record. What we don't have is the feedback of those who may have tried to become a foster care parent and during the interview process they have to go through a background check... [LB681]

SENATOR COASH: Are you... [LB681]

ROD MOELLER: ...or those types of impacts. [LB681]

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

Judiciary Committee  
March 03, 2016

---

SENATOR COASH: Have any of your members, that you're aware of, had a firearms violation put on their record for failure to comply with the signage laws under the current law? [LB681]

ROD MOELLER: I'm not aware of specific examples recently. Most of the complaints that I hear are people that are concerned about the risks associated with it because they have found out that they violated signage unknowingly. I testified a couple of years ago about an event I went to at a hotel that I went through the front door. I scanned. There was absolutely no signage anywhere. When I left at the end of the day, I went through the entrance to the garage and there was sliding glass doors. In the center of the door was a no gun sign, and as soon as they tripped the sensors and they slid open, there was a decorative tree that blocked or obscured the vision of that. Most people...it's rare that you're going to have that circumstance. But the concern would be a situation like if you had a health event or you're responding to someone and assisting someone that had a health event where we're obligated to notify EMTs on official contact. So during that confrontation, if I were assisting, I would be notifying the EMT, hey, I'm a permitholder and I'm carrying. [LB681]

SENATOR COASH: I remember the kind of free pass, one strike that we did a few years ago. Do you know if any of your members have ever kind of got their first strike on that provision that we did? [LB681]

ROD MOELLER: I've heard of a couple of instances but, again, it's relatively uncommon. It's more a matter of trying to bring...it's a concern about the risks, not so much how many times it's happened but the risks if it does, and the fact that it's not...current law in Nebraska is unlike any state contiguous or even, you know, twofold. I mean if you go to Montana, Idaho, Nevada, you know, maybe a couple of states away, there's no other state that has this as a firearms violation. [LB681]

SENATOR COASH: All right. I understand. Thank you, Mr. Moeller. Any questions from the committee? Senator Chambers. [LB681]

SENATOR CHAMBERS: I've heard people come here all the time looking for special consideration for people just because they own guns. They don't want to have to use common sense to inquire as to whether or not a gun can be carried. They want to carry these guns in ordinary locations where guns are not needed. The vast majority of people don't carry guns. They go into grocery stores to shop, not to flash a pistol. So if gun owners are so worried that they're going to be carrying guns everywhere, they should have sense enough to inquire as to whether or not they can lawfully bring a gun in here and not act like two-year-olds and say, put a sign up there so that I can see it without checking, and if I don't assure myself I can do this legally then I should be excused because I'm a gun owner and that gives me special privileges. I think they

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

Judiciary Committee  
March 03, 2016

---

have too many privileges now and they shouldn't be given any more. They should be made to be more mature and assume the responsibility, because I hear people always tell me how careful gun owners are, how responsible they are, how they obey the laws. But they don't want to use common, ordinary prudence. And if they know that this could be a violation, ask. And if they don't want to ask, then pay the consequences. But what you're talking about doesn't make sense to me for grown people to come here whining about something like this when it's within their power to determine what's going to happen. I can go into a restaurant stinking like a skunk because it's not against the law, so there are things that we can do but we don't choose to do. A thing shouldn't have to be made a crime for us not to do it. In civilized, decent society, there are certain concessions that people make to other people just by way of being courteous, just by way of avoiding being rude. But this stuff that gun owners want, everybody got to get out of the way for them, everybody has got to give them consideration? Not so. (Inaudible). [LB681]

ROD MOELLER: Would you not imagine this to be a matter of public safety, Senator? [LB681]

SENATOR CHAMBERS: You and I got to stop meeting like this. But I'm afraid this is the only place we'll meet, so I guess we'll continue. [LB681]

ROD MOELLER: I would imagine it's more of a matter of public safety. I mean if anytime there's something that deals with safety, we have a mandate for the signage. We have a requirement for how a one-way street needs to be posted because the risks associated with going the wrong way down a one-way street is rather severe. All we're asking for is that if you're going to prohibit something that it clearly be marked. I don't think that's a special consideration. [LB681]

SENATOR CHAMBERS: Between two things disparate in nature, there can be no comparison. And a one-way street, where traffic is flowing, is not the same as somebody wanting to go into a grocery store carrying a gun. Use some sense in judgment. [LB681]

ROD MOELLER: There's risks everywhere. [LB681]

SENATOR CHAMBERS: If it's a grocery store, don't carry your gun there. Accept that advice from me. If you go into a restaurant with your family to eat, don't carry a gun with you. I wouldn't carry...well, I don't carry a gun so I don't have that mentality. But it seems to me, if a man is taking his family out for an outing, the last thing he'd want to do is carry a gun with him. [LB681]

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

Judiciary Committee  
March 03, 2016

---

ROD MOELLER: And I respectfully disagree. I would think that you would want to take ownership of protecting yourself and your family, but I know that we disagree on that issue. [LB681]

SENATOR CHAMBERS: Well, I guess I'm tougher. I just look tougher because nobody has ever bothered me when I'm with my family. [LB681]

SENATOR COASH: All right. We'll see if we have any other questions from the committee. I don't see any. [LB681]

SENATOR CHAMBERS: See how rude he is? Give him a little power and he... [LB681]

SENATOR COASH: Thanks for your testimony. [LB681]

SENATOR CHAMBERS: Did you see that? Good thing I'm not armed. (Laughter) [LB681]

SENATOR COASH: Next testifier. We'll take the next testifier in support. Seeing none, is there anybody here to testify in opposition? [LB681]

AMANDA GAILEY: Hi. My name is Amanda Gailey, G-a-i-l-e-y. I'm with Nebraskans Against Gun Violence. And really quick, respectfully, Senator Seiler, I was going to ask if you would mind just looking into that Soros question you had earlier, because I checked it and it was rated falsified at [FactCheck.org](http://FactCheck.org) that he's not buying up gun manufacturers. So I just wanted to clarify that piece of information, if I could. [LB681]

SENATOR SEILER: That Soros doesn't own Remington? [LB681]

AMANDA GAILEY: That's correct. Yeah. [LB681]

SENATOR SEILER: That's correct. [LB681]

AMANDA GAILEY: I mean it's correct that he doesn't... [LB681]

SENATOR SEILER: His corporation does. [LB681]

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

Judiciary Committee  
March 03, 2016

---

AMANDA GAILEY: It's...no, his corporation does not. It's incorrect that he has invested in those firearm companies. Yeah. I'm sorry. I just wanted to note that but probably shouldn't have... [LB681]

SENATOR COASH: That's okay. Why don't you start your testimony. [LB681]

AMANDA GAILEY: ...as part of the testimony. LB681 is part of a systematic weakening of gun responsibilities in this state. On its own, the bill is claiming that the burden of carrying in public, the responsibilities attendant in that, need to be displaced on to the people who don't want to carry in public; that if you don't want guns in your grocery store or your restaurant you have to somehow make this abundantly clear to people who are kind of willfully not asking questions about whether or not it's okay. That is a radical shift in how our culture in this country has even really considered carrying guns in public. It's one thing that it's so normal, so natural to go about in innocuous family settings armed that it should be abnormal for someone to not want that, and they should have to come up and approach you and ask you to leave politely when you're standing there with a gun before it becomes your responsibility to know whether or not that was okay. It's really saying that it's more of a burden for someone who elects to go out in public with a loaded gun on them to just call ahead and say, is it okay if I bring my gun there, than it is to ask a minimum-wage-earning employee to approach an armed person and ask them to please leave. In combination with some of the other bills we've been seeing in the last year, it becomes apparent how this bill is meant to function. If preemption had passed, for example, it would have meant that no longer is there a Lincoln ordinance against carrying a firearm into a domestic violence safe house. So that safe house would have had to post large, conspicuous signage flagging it as a safe house in the neighborhood. If it didn't and a concealed carrying, domestic abusing husband walked in with a pistol on him, the workers there would have had to politely ask him to leave. And only when he refused would it have been something that they could have legitimately gotten law enforcement involved with. So I would really respectfully ask the committee to consider some of these bills, not just in isolation but as part of a deliberate gun lobby attempt to completely dismantle gun regulations and public safety in our state. Thank you. [LB681]

SENATOR SEILER: Thank you for pulling that. [LB681]

AMANDA GAILEY: Oh sure. Thanks. [LB681]

SENATOR SEILER: Because I thought it was pretty strange. [LB681]

AMANDA GAILEY: Yeah. Well, that's why I looked it up. I was like, huh, kind of weird. Yeah. [LB681]

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

Judiciary Committee  
March 03, 2016

---

SENATOR COASH: I don't see any questions from the committee. [LB681]

AMANDA GAILEY: Great. Thank you. [LB681]

SENATOR COASH: Thank you for your testimony. Take the next testifier. Welcome. [LB681]

DANIELLE SAVINGTON: (Exhibit 1) Good afternoon again. My name is still Danielle Savington, D-a-n-i-e-l-l-e S-a-v-i-n-g-t-o-n. And what she's passing out right now is a picture that I took on Monday. I drove down to Dallas, Texas, on Monday, attended a seminar, drove back yesterday so I could be here today. And I saw that picture and I thought, well, that's interesting. It's probably the first time that I ever thought Texas did anything better than we do things here in Nebraska. That note is posted on the wall outside of the Adolphus Hotel, which is an historic hotel in downtown Dallas, and it notifies people, if you come in, you are in violation of Texas code and you are subject to...it's a felony, subject to up to ten years imprisonment or a \$10,000 fine. Here it's a misdemeanor III. That's up to three months in jail, a \$500 fine, no minimum sentence. Additionally, you cannot, because we're back to this "shall" means "must," versus "can" or "may" or "could." It's you shall not lose your concealed carry permit on your first offense and you might, "may," lose it on your second offense. Now this already language in the statute. But then we come back to the language that this proposes to change and we come to the fact that this requires that either there's a sign or somebody who's in control of the facility tells you, you have to leave. The sign of course should have already been the notification telling you, you have to leave. But now we're requiring, in addition to the sign, that you be asked to leave. So we're putting the onus on the employer who works and is in control of the business. And what happens in my law firm when I leave my office to come down here and be here today? My paralegal, she is not an authority in the office. She's not in control of anything. She has no power in that facility. So if somebody comes in, an irate client of mine, she doesn't have the power to make them leave. She's not anything empowered in that office. She's not a stakeholder. She's not an owner. So what can she do? She doesn't even have that option of confronting this armed stranger should she be able to manage the gumption to do so. And I have to say, you know, I wouldn't. Would you if somebody comes? A lot of you are business owners. If somebody comes into your establishment and they are armed and you don't know them or know their skills, talents, propensity, or safety, much less their intentions toward you, do you have the courage? Do you have the fortitude without being armed yourself to stand up to that person you know nothing about and say, you need to go, you need to leave? And if you don't, I'm going to call 911 and wait. What was it Senator Garrett said it took the police to respond? Ten minutes? Seven minutes? Do you have that courage, because I don't and I know my paralegal doesn't and I don't think that the people working at the Boba Tea kiosk in the mall have that fortitude or that courage to do. [LB681]

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

Judiciary Committee  
March 03, 2016

---

SENATOR COASH: Thank you for your testimony. So, aside from the penalties for violation, it sounds like you're in favor of signage, right? [LB681]

DANIELLE SAVINGTON: I'm in favor of signage standing alone. If the sign is posted on the wall and you go inside, you have statutorily committed a crime. And that's how it operates in Texas. Nobody has to say to you, hey, check out the sign, you're in violation. You put the gun on in the morning, you walked through the door, you committed the crime. [LB681]

SENATOR COASH: But you do support the notion of if you're a business owner and you prohibit a sign, there ought...and you prohibit firearms, you ought to post a sign. [LB681]

DANIELLE SAVINGTON: I think if you're electing to...if you don't...if your workplace is not in an already prohibited location... [LB681]

SENATOR COASH: Uh-huh. [LB681]

DANIELLE SAVINGTON: ...and you've chosen to post a sign, then I believe that the sign should stand alone. Neither you nor your employees should be put in an obligation to confront the armed person. [LB681]

SENATOR COASH: Okay. So that obligation of the other employees, I understand you disagree with that, but I want to get clear that you do agree that if a business wants to prohibit firearms, should be their right to do so, then they should post a sign. [LB681]

DANIELLE SAVINGTON: I think that's...I think that makes...that's a good balance, you know. [LB681]

SENATOR COASH: Do you think there's some wisdom in some uniformity to that sign so that citizens are kind of used to looking for the same type of sign in the same...maybe not the same place but having it prescribed so that it looks the same business to business so that... [LB681]

DANIELLE SAVINGTON: Personally... [LB681]

SENATOR COASH: ...you know, the citizen who doesn't want to go into a place that allows firearms can see that and a citizen who wants to carry but wants to obey the law (inaudible)? [LB681]

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

Judiciary Committee  
March 03, 2016

---

DANIELLE SAVINGTON: Right. And I mean, personally, I'd like to say, well, I don't want to live in a gun normalizing society where my children have to see that and think about whether or not. But from a logistical standpoint and a perspective of there are people who do want to be able to carry their guns, I think that it's a reasonable compromise. I also think that the way Texas does it where their alcohol commission provides that sign and it is a permanent sign--it's not a paper sign that can mysteriously fall down when the tape disappears, it is a permanent, adhered-to-the-wall sign that tells people--then there really is no ambiguity. [LB681]

SENATOR COASH: But it's standard so it's prescribed. [LB681]

DANIELLE SAVINGTON: And it is standard. [LB681]

SENATOR COASH: So business A doesn't have a different sign than business B so... [LB681]

DANIELLE SAVINGTON: Well, I like the idea of standardization. I do think then you run into issues of how many entrances and exits does it need to be posted at. What's eye level for you is not for me. I'm a foreign language speaker so it doesn't...you know, I have difficulties. I think we run into problems with that standardization but I think that it is reasonable to say to a private business, you need to post a sign if you don't want guns there. But I think it's unreasonable to say your sign isn't enough. [LB681]

SENATOR COASH: I think you're maybe not as far apart from the proponents on this particular issue as you may think, but. [LB681]

DANIELLE SAVINGTON: No, I absolutely think so and that's...I like balance. [LB681]

SENATOR COASH: Thanks for your testimony. Senator Ebke. [LB681]

SENATOR EBKE: Can you tell me just for my information purposes, about how big was this sign? I mean was it like this big or is it bigger or...? [LB681]

DANIELLE SAVINGTON: The sign was a little bit smaller than a piece of paper and, in truth, the sign was posted...one sign was posted slightly above my eye level, another sign was posted about waist level, and they were posted not at every entrance but they were posted in places where if you were having your car valet parked you would see them more than likely as you were either maybe bending to pick up luggage or looking up at the skyline. But there was no uniformity in where it was located in that building or other buildings. [LB681]

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

Judiciary Committee  
March 03, 2016

---

SENATOR EBKE: Yeah, but I think that, you know, we can argue about whether or not in aim this is a good thing. But I do think that for those...one of the things that we're concerned about or at least some of us are concerned about is the civil liberties of those who do decide to carry and who are carrying legally. You know, should they have proper notification? And you know, some sort of a uniformity that, okay, I'm going into this room, into this building. You know, I should be able to say, okay, this is the main door, do I see that sign that I'm looking for? No, yes, whatever. [LB681]

DANIELLE SAVINGTON: I think that's very reasonable. As if I were to be carrying a firearm, I would want to know that I had an easy way to look and see. And I'd like to think that if I couldn't tell that I would, you know, maybe pop inside, hey, is it cool if I continue to carry whatever, if I didn't see a sign. But I do think that it's very important that we put the burden of the responsibility of knowing whether or not they can or cannot enter on the gun owner. And if there is some confusion, I think that the person who's electing to bring the firearm with them needs to be the one in charge of saying, there's some confusion here, can I or can't I? But authentically I think it makes the most sense to, as a business owner, say, I'm going to post this sign and make sure that it's being able to be seen. [LB681]

SENATOR EBKE: I'm not trained in law like a lot of these people are, but wouldn't that be a major change in statute though if...in the concealed handgun permit statute, because it assumes that, except in those prohibited places, that it's a...you know, that you can carry unless there's signage? [LB681]

DANIELLE SAVINGTON: I don't think it would be a big shift in terms of...I mean we're talking about the difference between whether or not I can do something versus whether I should do something. And I think in this circumstance if I wasn't sure, if I wasn't sure whether or not I was carrying a gun into a building with a courthouse but I thought it might be possible, I think it would be up to me to find out, is there a courthouse in this building, can I carry? (Inaudible) of that nature. [LB681]

SENATOR EBKE: Well, okay, government buildings aside,... [LB681]

DANIELLE SAVINGTON: Right. [LB681]

SENATOR EBKE: Okay. Government buildings aside, if I'm going to the mall, if I'm going to a store downtown, if I'm going to, you know, the local Walmart or whatever, isn't there an obligation...I mean isn't there an assumption that if it's not posted, under current statute, if it's not posted it's...you're okay to carry if you've got... [LB681]

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

Judiciary Committee  
March 03, 2016

---

DANIELLE SAVINGTON: Yes, and I think that's reasonable. I think it's reasonable that business owners know, you know, that we've made it available to them to know that if you don't want guns on your premises, you need to post signs. [LB681]

SENATOR EBKE: Okay. [LB681]

DANIELLE SAVINGTON: I think that is reasonable and I think...but I also think it's reasonable that the business owner should be able to rely on the sign. That should be sufficient. [LB681]

SENATOR EBKE: Sure. Okay. Yeah. [LB681]

SENATOR COASH: Thank you. Senator Seiler. [LB681]

SENATOR SEILER: Yeah, do you have the sign there in front of you? [LB681]

DANIELLE SAVINGTON: I don't. [LB681]

SENATOR SEILER: Okay. It says the unlicensed possession. [LB681]

DANIELLE SAVINGTON: Yeah. Because... [LB681]

SENATOR SEILER: Does that mean that if you've got a concealed carry, you're licensed? [LB681]

DANIELLE SAVINGTON: Until August of 2016, in order to open carry or concealed carry in Texas, it required a license. As of August of 2016, that won't be required anymore. So their signs actually will change and they will be provided new ones from the alcohol commission to reflect either that the choice will then become carrying. And they have alternate signs there that businesses can elect to put up that would say any carry, open or concealed, of firearms is prohibited. [LB681]

SENATOR SEILER: Okay. [LB681]

DANIELLE SAVINGTON: And those go specifically on alcohol-licensed establishments and some of their other statutorily prescribed no-gun zones. [LB681]

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

Judiciary Committee  
March 03, 2016

---

SENATOR SEILER: So they're changing this sign now to... [LB681]

DANIELLE SAVINGTON: In August of 2016. [LB681]

SENATOR SEILER: ...include or exclude the concealed carry. [LB681]

DANIELLE SAVINGTON: Right. After that the sign will say, for a business owner who doesn't want firearms on their property, the sign will say "no carry of firearms allowed." [LB681]

SENATOR SEILER: Okay. Thank you. [LB681]

DANIELLE SAVINGTON: Thank you. [LB681]

SENATOR SEILER: Next witness. Oh, people moving around, I wasn't sure. In the neutral? Seeing no one, Senator Schnoor, you may close. [LB681]

SENATOR SCHNOOR: Thank you, everyone. I'll make this real quick. A couple...just to respond to a couple comments that were made, I believe it was the first individual talked about an individual, and I'll equate that to a waitress. It's not their responsibility. It's the responsibility of the person in control of the facility. The second lady that was testifying that...talking about the clerk or the receptionist, nobody is obligated to confront anybody. If they feel there's a threat, call the police. It's that simple. It talked about signage. I think that's very important and I agree with her completely. And that's why this bill is important, because we have no signage laws here in Nebraska. So I agree with her 100 percent. But, you know, this is for the law-abiding citizen. This isn't...criminals are still the criminals. If there's a threat, call the police. Thank you. [LB681]

SENATOR SEILER: Any questions? Thank you. Senator Hansen, you may open on LB1090. [LB681]

SENATOR HANSEN: Good afternoon, Chairman Seiler and members of the Judiciary Committee. My name is Senator Matt Hansen, for the record, M-a-t-t H-a-n-s-e-n, and I represent Legislative District 26 in northeast Lincoln. I'm here today to introduce LB1090. This bill would implement a system to notify law enforcement officials when persons prohibited from obtaining a handgun by state or federal law attempt to purchase a handgun. First, let me be clear. I recognize this bill has no priority and that I do not have any other planned vehicle for it this year, a fact which I've tried to be open about to anyone who's contacted my office. That being said, I'm appreciative of the Judiciary Committee's time and this opportunity to use this hearing as a springboard for future discussions. Now addressing the subject of the bill: Currently, under

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

Judiciary Committee  
March 03, 2016

---

Nebraska law, an individual needs a certificate to purchase, lease, rent, or receive a handgun, with a few exceptions, most notably, if they possess a valid concealed handgun permit. As part of this process, they provide their information with their local police or sheriff's office, who then contacts the Nebraska State Patrol, who then contacts the FBI and their National Instant Criminal Background Check System. Under current Nebraska law, Chapter 69, Section 2408, "Any person who willfully provides false information on an application form for a certificate under section 69-2404 shall, upon conviction, be guilty of a Class IV felony." And that was a quote. Other violations under that section are a Class I misdemeanor. These violations are sometimes referred to as lie and try. That is, a person would lie on their background check form to try and illegally buy a gun from a legal seller. Now, surprisingly, despite this being a felony, there is not a requirement for this information, that a prohibited purchaser is attempting to buy a gun, is shared with any other local law enforcement entities. That is what LB1090 would attempt to fix by requiring the Nebraska State Patrol share this information with the Attorney General, the United States Attorney for the District of Nebraska, and to all state law enforcement agencies, local law enforcement agencies, and county attorneys with jurisdiction over where the potential sale would have happened or the potential possessor resides. The benefits from this are obvious. It would allow for local law enforcement agencies and prosecutors to know what is happening in their communities. A situation such as a person on probation for a violent crime and subject to a protection order attempts to buy a gun by lying on his background report. Naturally, we would want the situation to be investigated quickly to ensure that it does not escalate. That being said, this bill and our current law have many moving parts and the full implementation of this bill is not perfect. Would be happy to work with stakeholders over the interim to address this issue. I've already had many productive discussions with the Nebraska State Patrol and hopeful we can find a mechanism that works to protect the people of the state of Nebraska. Like to clarify a couple things for the record. It is not my intent for this bill to add any additional criminal penalties nor add any changes to the process of purchasing a gun in Nebraska. I simply think that if one government agency has information that an individual is committing a crime, they should share it with other interested agencies as well. Final, there is one issue that came up in our research that I want to share with the committee's attention. Currently, Nebraska relies solely upon the FBI's NICS, despite having state statutes authorizing a state instant criminal history record check system. These statutes, Chapter 69, Section 2409, have been on the books since 1991 but have not been implemented because they require 85 percent of Nebraska's arrest and conviction records to be available under the state's automated system. In 25 years, we still haven't hit that 85 percent threshold, so I would suggest some attention be devoted to this section. With that, I would close and thank you for your time. [LB1090]

SENATOR SEILER: Questions? Seeing none, thank you. [LB1090]

SENATOR HANSEN: Thank you. [LB1090]

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

Judiciary Committee  
March 03, 2016

---

SENATOR SEILER: Proponents. [LB1090]

JAN HOBBS: (Exhibit 1) And we meet again. Chairman Seiler, members of the Judiciary Committee, it is nice to see you again today. I want to thank you for allowing me to testify on this important issue. As I mentioned before, my name is Jan, J-a-n, Hobbs, H-o-b-b-s, and I am the mother of two grown children, a veteran of the United States Air Force, and a volunteer with the Nebraska Chapter of Moms Demand Action for Gun Sense in America. Moms Demand Action is a grass-roots movement of American moms and dads who fight for public safety measures that keep our country safe while respecting the Second Amendment. Moms Demand Action is part of Everytown for Gun Safety, the largest gun violence prevention organization in the country, with more than 2.5 million members. I am here today representing thousands of Nebraska moms and dads who support LB1090. Very simply, LB1090 would require the Nebraska State Patrol to notify local law enforcement when dangerous people break the law and try to illegally buy guns or apply for handgun purchase permits. When someone who isn't legally allowed to have a gun, because they are a felon, a domestic abuser, or have a dangerous mental illness, and they try to buy one and fails a background check, that's a red flag. And it's also a crime. If you lie when you try to buy a gun or apply for a permit, you've broken the law. We see this happen, though, with what are called lie-and-try offenses. This bill requires notification of local law enforcement by the Nebraska State Patrol. As such, it gives tools to police officers to do their jobs with much needed and valuable information in the event that dangerous people seek to purchase a gun illegally. It would allow law enforcement to intervene before dangerous people can illegally arm themselves. This is particularly relevant in the case of domestic abusers. There are too many stories of women murdered because their abusive partner or "ex" was still able to get his hands on a gun, even though he couldn't pass a background check. We can't prevent crime 100 percent of the time. But we want law enforcement to have the tools they need to help prevent the next crime from happening, whenever possible, to keep our families and communities of Nebraska safe. On behalf of myself and the thousands of Moms Demand Action members across the great state of Nebraska, as an American veteran, I urge you to vote yes on LB1090. And I want to thank you very much for your time. [LB1090]

SENATOR SEILER: (Exhibit 2) Questions? Seeing none, thank you for your testimony. Next proponent. Seeing none, we have a letter of support for LB1090 from the National Association of Social Workers, signed by Angela L. Koenig. Opponents. [LB1090]

ROD MOELLER: Good afternoon again. Rod Moeller, R-o-d M-o-e-l-l-e-r, Nebraska Firearms Owners Association. We're speaking in opposition to the bill, not because we're opposed to the intention of, you know, felons trying to buy guns. That's certainly a bad thing and we're not in favor of that. But really, this bill does not make sense as the language is written, particularly on the bottom of page 2, lines 29 and 30. What the senator described during the opening does not match the language that is in the bill. It says, "Upon informing a licensee that a person is a

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

Judiciary Committee  
March 03, 2016

---

prohibited possessor." Well, what is a licensee? A licensee isn't defined in this section, unless there's another prior section that I couldn't find. A licensee is a federal firearms licenseholder. They're not the ones doing this background check. We're also talking about "the Nebraska State Patrol shall send notification of denial." Well, the person doing the background check is the local law enforcement. It is the sheriff's office. So this can't go anywhere. If we translate this to a flow chart, it's a process flow, we never get to a "yes" decision to be able to proceed with the notification as was described by the senator's intent. The other aspect would be, why are we not trusting the sheriff to determine if a denied purchase certificate request requires further investigation and scrutiny? They are the most local law enforcement. They're the ones that are going to be the most concerned. It's not uncommon for a person to have had a situation in their history, maybe 15-20 years ago, and decides, you know, I'd like to get a gun but I don't know if this scuffle that I had, a bar brawl or who knows what from 15-20 years ago, I don't know if that prohibits me from owning or not. It is very common for people to say, you know what, you could pay \$300 to go have a lawyer take a look at things, or you could just spend 5 bucks and go to the county sheriff's office, apply for a purchase certificate. And if you're denied, you know what specifically in your history is a prohibiting factor. And if it doesn't, well, you know, I may; I'm not prohibited. The concern would be it would push more people towards retaining a lawyer just to find a simple answer, are they allowed or not. The other concern is this actually is not an attempt to purchase. This is an attempt to get a permit to purchase. Kind of concerned that we're putting somebody's name out there just trying to gather information as to whether they're a prohibited person or not. That's what our concern is. Obviously, we are not in support of felons getting their hands on guns. I'll submit to any questions. [LB1090]

SENATOR SEILER: Questions? Seeing none, thank you very much. Further opponents. Seeing none, anybody in the neutral? [LB1090]

BRAD RICE: (Exhibit 3) Senator Seiler and members of the Judiciary Committee, good afternoon. I am Colonel Brad Rice, B-r-a-d R-i-c-e, superintendent of the Nebraska State Patrol. I would like to thank the committee for giving me the opportunity to offer my agency's neutral testimony to LB1090 and share some concerns with the language as it currently exists. Currently, when a county sheriff's office receives an application for a firearms purchase certificate, they run a National Instant Criminal Background Check System, commonly referred to as an NICS check. NICS index is maintained by the Federal Bureau of Investigation. When NICS query is submitted, the response is transmitted directly to the appropriate sheriff's office which issues the certificate or a letter of denial. The State Patrol does not see the NICS responses. If an applicant willfully provides false information, the sheriff can refer the matter to the county attorney for prosecution as a Class IV felony. LB1090 would move the responsibility for interpreting the NICS responses from the 93 county sheriffs' offices to the State Patrol. This would require the State Patrol to hire and train additional employees to perform these duties. The bill would also require the State Patrol to issue notifications within 24 hours to the Attorney General, U.S.

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

Judiciary Committee  
March 03, 2016

---

Attorney, all state law enforcement, local law enforcement, and the county attorney. LB1090 would require local and state officials to file annual reports with the State Patrol. The State Patrol would then be required to create and publish a statewide annual report using the submitted information. This would require specialized training to translate the NICS responses as they contain cryptic language and terminology which can be difficult to interpret. LB1090 refers to reporting persons attempting to acquire a handgun. A firearms purchase certificate allows the holder to purchase rifles, shotguns, or handguns, and is valid for three years. The State Patrol will not know what type of firearm the applicant intends to purchase. Therefore, the State Patrol would need to report all denied applications, despite the language limiting the reports to just handgun purchases. The State Patrol currently issues concealed handgun permits which involves a similar analysis of state and federal disqualifiers. Applicants who are denied are often unaware of the law and the nature of their disqualifier. Some do not realize that a conviction for possession of drug paraphernalia, an infraction with a \$100 fine, is a disqualifier for ten years. Others have mistakenly believed that when they successfully complete probation, they have had all of their rights restored. If an individual was committed for mental health treatment, even on an outpatient basis, it is a disqualifier under Nebraska law for ten years but a disqualifier for life under federal law. The list of state and federal disqualifiers is long and complex. LB1090 could result in felony allegations against individuals who may be legitimately unaware of the disqualifiers. The State Patrol has been in discussion with Senator Hansen's office regarding LB1090, which have been beneficial. We have appreciated the opportunity to share these concerns and others with Senator Hansen's office. We look forward to being part of any future conversations. Thank you for your time and opportunity to testify. I'll be happy to try to answer any questions you may have. [LB1090]

SENATOR SEILER: Any questions? Thank you, Director. [LB1090]

BRAD RICE: Thank you, sir. [LB1090]

SENATOR SEILER: Next neutral. Okay. Anybody further in the neutral? If not, you may close, Senator Hansen. [LB1090]

SENATOR HANSEN: Thank you, Chairman Seiler, members of the committee. Let me just echo what I said in my opening that I've been very appreciative of the Nebraska State Patrol and their efforts to work with my office. Some of the critique of the language, we had begun drafting a white-copy amendment to address many of those concerns but, ultimately, since the bill would not advance this bill, didn't feel like bringing that to Bill Drafters and to the committee. I'm happy to work on this over the interim. And with that, I'll close. [LB1090]

SENATOR SEILER: Any questions? Thank you. [LB1090]

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

Judiciary Committee  
March 03, 2016

---

SENATOR HANSEN: Thank you. [LB1090]

SENATOR SEILER: Senator Gloor, you may open on LB971. [LB971]

SENATOR GLOOR: Thank you, Senator Seiler, members of the Judiciary Committee. I am Senator Mike Gloor, G-l-o-o-r, representing District 35. Recognizing this is the last bill of this particular session for this committee and the fact that this is the last committee that's still meeting, this means this is the last bill that's being introduced by any member of the Legislature. And because I am term limited, this is my last bill that I will ever be introducing. I consider this to be almost an historic opportunity for me, and thank you... [LB971]

SENATOR SEILER: Welcome. [LB971]

SENATOR GLOOR: ...for that opportunity. And this bill's origin comes from the Nebraska Sheriffs' Association. In 2012, the association came to the Legislature, looking for a way to return confiscated firearms to their original owners when that...or to their owners when that firearm had not been used in the commission of a crime. The issue was that law enforcement didn't have a good legal remedy for disposition, and they were destroying too many firearms. That problem with destroying too many firearms was a concern related to expense, storage, recordkeeping, and what not. Senator Russ Karpisek was willing to introduce what was titled LB538. It mandated that law enforcement return firearms that were not used in the commission of a crime or that it was determined were not used in the commission of a crime, and that had not been defaced or altered in a way that violates current law. LB538 was amended into LB807 that year and passed. In 2014, the issue of owners of firearms that may be mentally unstable became the topic of discussion. Senator Karpisek once again was willing to introduce legislation. That legislation would require a hearing in order to return a firearm when a firearm owner is or has been in emergency protective custody, EPCed, or in voluntary or involuntary treatment under the Nebraska Mental Health Commitment Act. That was LB1027 in 2014. Ultimately, it did not advance. There was opposition to the voluntary treatment language. Senator Karpisek drew up an amendment to remove that problem language, but the clock ran out in 2014. The bill didn't move any further. So LB971 that I've introduced picks up, basically, where he left off with his LB1027 in '14 and the amendment related to voluntary treatment. LB971 would require a hearing to determine if the owner, who has been placed in emergency protective custody or has received involuntary treatment under the Nebraska Mental Health Commitment Act, is prohibited under federal or state law from receiving a firearm. Definition of who is a prohibited person: That person in our state, by definition, that's prohibited from owning a firearm if they have been convicted of a felony or have been convicted of a crime of domestic violence or, under federal law, if they have been or currently are the subject of a protection order and have violated that protection order. We can always get you further definitions if you want them. If the court, as a

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

Judiciary Committee  
March 03, 2016

---

result of a hearing, determines they are prohibited, a prohibited person, law enforcement would then dispose of the weapon as currently provided for under the laws that I've just related. If the court determines they are not a prohibited person, the firearm would then be returned to that owner. Chief Deputy Tom Wheeler from Douglas County Sheriff's Department is here and will provide some additional information. He probably is the best person to answer questions, but if you have any I'd be glad to answer them. Thank you. [LB971]

SENATOR SEILER: Any questions? Seeing none, thank you for...you'll be here for closing? [LB971]

SENATOR GLOOR: Sure. [LB971]

SENATOR COASH: Make him stay. I'd like you to close. [LB971]

SENATOR GLOOR: Again, since it's historic, I would like the opportunity for an historic closure. (Laughter) [LB971]

THOMAS WHEELER: Good afternoon, Senators. My name is Tom Wheeler, chief deputy sheriff for Douglas County. I am here today to speak in support of LB971. It's been a long day for everyone, so I will keep my remarks on point. One of my duties at the sheriff's office includes authorizing the release of property seized by a deputy and returning that property to the rightful owner. In 2012, state statute 29-820 was changed to mandate that firearms which have come into law enforcement's possession through seizure or otherwise and (i) have not been used in the commission of a crime, (ii) have not been defaced or altered in any manner that violates any state or federal law, (iii) may have a lawful use and be lawfully possessed, and (iv) are not subject to a domestic assault charge shall be restored to the owner. Currently, this statute applies to firearms that have been seized as part of an involuntary committal through an emergency protective custody, also known as EPC, or a board of mental health order, also known as a BMH order. These types of commitments occur when an individual has demonstrated a substantial risk of imminent harm to himself or herself or to others. In both instances, the individual is placed into custody and transported to a medical facility for evaluation by a mental health professional. In the case of an EPC, the individual must be evaluated within 36 hours. For a BMH order, the evaluation typically occurs within five to seven days. Upon release, the individual may return to the law enforcement agency and request that any seized firearms be returned immediately. As written, state statute 29-820 requires the return of seized firearms when that seizure was based solely on an involuntary committal. Each year the Douglas County Sheriff's Office is involved in 200 to 300 involuntary committals. In 10 to 20 percent of these cases, firearms are seized. Some people...some involve highly publicized, armed standoffs. Some involve people in crisis and suicidal. Just yesterday, deputies were dispatched to an apartment to respond to an armed person

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

Judiciary Committee  
March 03, 2016

---

threatening suicide. Deputies were able to safely take the individual into custody. Inside his backpack this individual was carrying a loaded .40 caliber rifle. He was placed in emergency protective custody and transported to a mental health facility. By tomorrow morning, he must be evaluated by a mental health professional. If the mental health professional does not make a determination that he is mentally ill and dangerous, he will be released from custody. Upon release, he may walk into the sheriff's office and request the return of his firearm. As long as there was no crime involved, the weapon would be returned to someone who was in deep personal crisis just two days before. From my perspective as a law enforcement officer, I do not believe this is good public policy. LB971 would require those who have firearms seized as part of an involuntary committal to have a court hearing to authorize the release of the firearm. The hearing would evaluate whether the owner is prohibited under state or federal law from receiving that firearm. This bill would provide a reasonable layer of scrutiny in the process and is a common-sense approach that balances the right of gun owners and the safety of the public. I respectfully request that this bill advance. [LB971]

SENATOR SEILER: (Exhibit 1) Questions? Seeing none, thank you. Further support. I have a letter here from the National Association of Social Workers, Angela Koenig signing it in support of LB971. In opposition, anybody in opposition? Seeing nobody, anybody in the neutral? [LB971]

ROD MOELLER: Good afternoon. Rod Moeller, R-o-d M-o-e-l-l-e-r, Nebraska Firearms Owners Association. Just wanted to go on the record neutral for the most part. We kind of lean in support of the bill because we do like the fact that there is an established process and that's important to us is that there is an established process. But mostly we wanted to go on the record as neutral that we just wanted to thank the senator and anyone else responsible for bringing this forward again this year, for incorporating the amendment that was offered a couple years ago with Senator Karpisek. We were originally opposed to the language with the original bill. The amendment brought our support, so I just wanted to go on the record that we are, you know, not opposing the bill and generally lean in favor but wanted to thank the senator for incorporating that amendment from two years ago. And also, I wanted to be the absolute last person you heard from this year, so...I think two years in a row. [LB971]

SENATOR SEILER: You're not going to be. [LB971]

SENATOR EBKE: Because he gets to close. [LB971]

ROD MOELLER: Well, last one testifying. [LB971]

SENATOR SEILER: Gloor gets to close. [LB971]

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

Judiciary Committee  
March 03, 2016

---

ROD MOELLER: Two years in a row, I think. [LB971]

SENATOR SEILER: I hate to tell you this but there's another neutral, so you're in trouble.  
(Laugh) [LB971]

ROD MOELLER: Oh, darn it. All right. [LB971]

SENATOR SEILER: No. Thank you for coming. Any questions? Thank you for your testimony.  
[LB971]

ROD MOELLER: Thank you. [LB971]

SENATOR SEILER: (Exhibit 2) I have a letter from the ACLU and they are entering their  
neutral position by Danielle Conrad. You may close, Senator. [LB971]

SENATOR COASH: Make it good. [LB971]

SENATOR GLOOR: Well, in honor of the king of puns, Senator Chambers, I would tell you that  
I will forever and a day refer to this, given my interest in tobacco tax, as my "smoking gun" bill.  
(Laughter) We would like to, if possible, get this advanced so that we could make a request for  
consent. I think it would fit on the consent agenda, and so would make that request. And...  
[LB971]

SENATOR SEILER: Do you hear that? [LB971]

SENATOR GLOOR: ...having said that, that's all I have to say in closing. Thank you for your  
consideration. [LB971]

SENATOR SEILER: You bet. Having told everybody in the world, the only one that sets things  
is him. (Laugh) [LB971]

SENATOR GLOOR: Thank you. [LB971]

SENATOR SEILER: Thank you. This concludes the hearings. We're done, 128 bills. [LB971]